United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MAY 17, 2005 No. 65

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WESTMORELAND).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2005.

I hereby appoint the Honorable LYNN A. WESTMORELAND to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

CENTRAL AMERICA FREE TRADE AGREEMENT

Mr. BROWN of Ohio. Mr. Speaker, 1 year ago, in late May, 2004 President Bush signed the Central American Free Trade Agreement, a trade agreement that extends the North American Free Trade Agreement, NAFTA, to 5 Central American countries and the Caribbean country of the Dominican Republic. That trade agreement, coupled with the President's next trade agreement, the Free Trade Area of the Americas, will double the population of the North American Free Trade Agreement, double the size of NAFTA, and quadruple the number of low income workers, poverty wage workers that now live in NAFTA countries.

Normally, when a trade agreement is signed by President Bush, that trade agreement comes in front of Congress almost immediately. Since President Bush has taken office there have been 4, Morocco, Australia, Chile and Singapore. Each of those agreements has been voted on within about 2 months of the President's signature.

However, the Central American Free Trade Agreement, some call it the Central American Free Labor Agreement, because it really is all about low income workers, not about selling American products to Central America. The Central American Free Trade Agreement has not been sent to Congress; has not been voted on, even though President Bush signed it 11 and a half months ago, even longer ago than that actually, 11 months and 20 some days. And the reason is simple that it has not come in front of the Congress, because of the immense opposition to the Central American Free Trade Agreement.

As my colleagues will notice, our trade policy in this country simply is not working. If you look at what has happened to our trade deficit, that is the amount of exports that we sell to other countries versus the amount of imports we buy from other nations, you can see we had a negative flow in 1992, the year that I happened to run for Congress, of $38 billion. That was the year before NAFTA.

NAFTA was passed in 1993. Then Congress passed a trade agreement with Chile, several other trade agreements. And you can see what has happened with this wrong-headed trade policy. This trade deficit, our trade deficit with the rest of the world was $38 billion in 1992. Last year, 2004, our trade deficit was $620 billion, $618 billion, precisely, from $38 billion to $618 billion.

By any stretch of the imagination, it is hard to argue that our trade policy is working. And that is why the opposition has been bipartisan to CAFTA, to the Central American Free Labor, the Central American Free Trade Agreement. That is why the opposition has been bipartisan. That is why the opposition has been overwhelming.

Last month 2 dozen Democrats and Republicans in Congress joined more than 150 business groups and labor organizations, sending the message, vote no on this Central American Free Trade Agreement. Last week more than 400 union workers and Members of Congress gathered in front of the U.S. Capitol again delivering that message, vote no on the Central American Free Trade Agreement.

Now, those of us opposed to CAFTA, which clearly is a majority in this Congress, or we already would have voted on it. Those of us opposed to CAFTA say we are not opposed to trade. We want to see fair trade agreements instead of free trade agreements, because we know what free trade agreements do. We know what this trade deficit does to our country. It means, according to the first President Bush, according to his economists, it means literally 12,000 lost jobs per $1 billion of trade deficit. That means a million lost jobs. It means more than that. A million lost manufacturing jobs in this country.

In my State alone we have lost 200,000 manufacturing jobs, not entirely because of trade agreements, but that is a big component of it. So we know what these trade agreements do to individuals when they lose their jobs, what it does to family members when they lose their jobs, what it does to communities when a community has a plant closing, what it does to the school districts and the schools as they

Printed on recycled paper.

lose funding because these workers have lost their jobs and because this plant has closed, what it does to our country as a whole when we have this kind of trade deficit. We understand that. That is why those of us opposed to the Central American Free Trade Agreement want to throw out this dysfunctional cousin of NAFTA and want to negotiate a trade agreement that will lift workers up in Central America, while promoting prosperity here at home.

There is no reason that our trade agreements need to look like this, need to have a result like this. Instead, Congress can move forward in passing a fair trade agreement.

Mr. Speaker, the gentleman from Texas (Mr. DELAY), the Majority Leader, the most powerful Republican in the U.S. Congress, and the Chairman of the Ways and Means Committee, the gentleman from California (Mr. THOMAS) both promised to vote on the Central American Free Trade Agreement by the end of May.

Now, if you will look at this chart you will see that the end of May happens to be the 1-year anniversary of when CAFTA was sent to Congress. So, Mr. Speaker, we should vote no on the Central American Free Trade Agreement; bury this trade agreement, and pass a trade agreement that is good for American workers and American communities.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, last year President Bush put Social Security reform on the national agenda. His proposal to save Social Security by giving younger Americans the choice to choose personal savings accounts has been met, to date, by ridicule and silence by the loyal opposition in this Congress. The ridicule has taken a variety of forms, denouncing the President's motives and intentions. The intentions of Republicans have been described by some outside organizations as an effort to tear down the house of public retirement in America.

Beyond that slur, there has just been, to date, simply silence. No ideas, no counterproposals, nothing to deal with what many refer to as a generational tsunami heading for Social Security, as some 40 million Americans over the age of 65 within 20 years will become 80 million Americans over the age of 65.

I say silence with hesitation, Mr. Speaker, because that actually ended yesterday among the loyal opposition when the gentleman from Florida (Mr. WEXLER) introduced his legislation at a press event in his home State, where he unveiled a bill which he described as Social Security forever, saying, admirably, ''I believe it is time for Democrats to offer an alternative to the President.''

And to the gentleman from Florida, I say with admiration, I could not agree more. I admire him for his leadership on behalf of his vision of government and also his honesty as he proposes to cure what ails Social Security in the next 50 to 75 years with that anecdote that Democrats run to most often, and that is, namely, higher taxes. The Wexler bill, with a 6 percent tax increase on income over $90,000 a year would be the largest marginal tax rate increase in a generation.

Let us be clear about this, Mr. Speaker. House conservatives will vigorously oppose any effort to finance Social Security reform by raising taxes on working families, small businesses, and family farms. Thanks to the Wexler proposal, the American people now see a very clear choice before them, the President and the Republican Congress's vision for reform and the single Democrat vision that has been articulated, higher taxes. With one of the largest marginal tax increases in a generation, the gentleman from Florida (Mr. WEXLER's) Social Security forever bill looks more like higher taxes forever.

It is time for this Congress to move on to the substance of Social Security reform. Let us offer our conflicting visions in this chamber across the aisle and move forward to save and secure and reform Social Security for our children and our grandchildren.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 10 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, Your word is founded in truth and Your just decrees are everlasting.

So our fleeting days and our passing tasks are truly significant only if they are grounded in You.

Eternal God, You are the wellspring of creativity for Your people. You are forever liberating us from blinding evil; so be with Congress today.

Ennoble every compromise rooted in compassion; and strengthen every commitment measured by righteous decisions in this body.

Just as there cannot be true worship in Your sight without sacrifice and conversion of heart; nor can there be true politics without principle. Free us, Lord, to amend our ways so that we will search for what is truly right and just; lest we become lost in endless possibilities born only from self-centered imagination.

Lord God, in the land of the free we hold ourselves accountable to You both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SPEND IT WISELY

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

Mr. DELAY. Madam Speaker, this week the House will uphold, for the 216th time, its constitutionally mandated responsibility to begin the process of funding the Federal Government.

The Founding Fathers understood the power of the purse and that that power of the purse was government's most potent, and therefore installed that power first and foremost in the body most accountable to the American people, the House of Representatives.

In the 10 years Republicans have controlled the House appropriations process, we have fundamentally changed the way we spend the people's money.

We have based this process on an entirely new question: no longer ''How much can we spend?'' but ''How much should we spend?'' That may seem like a very small matter, but it has saved our government and our economy billions of dollars and millions of jobs over the last decade.

The fiscal accountability our Republican majority instituted helped balance the budget in the late 1990s, helped ensure the recession of 2001 was the shallowest in memory, and helped ensure our recovery from that recession and the 9/11 attacks was strong and durable.

This week we will begin our second decade protecting the American people's money, and our first year with our streamlined Committee on Appropriations, by taking up the first two spending bills for the 2006 fiscal year.

First, the homeland security spending bill will provide the resources our

homeland security agencies need to do their work. And since September 11, 2001, Congress has worked tirelessly with the administration to identify and address our national vulnerabilities, culminating with the creation of the new Department of Homeland Security.

The fiscal year 2006 security appropriation will meet the needs of our first responders, make it harder for terrorists and criminals to pierce our borders, better prepare our Nation for emergencies, and help us stay one step ahead of our enemies.

Second, we will provide for the 2006 budgets for the Department of the Interior and environment-related agencies.

It makes sense these two bills will be the first we take up. After all, our homeland security agencies protect our people and our infrastructure while our interior agencies protect everything in between.

For these and the rest of the fiscal year 2006 spending bills, Madam Speaker, the House will lead the way not only chronologically but responsibly. We will continue to build on the record we have established these last 10 years, making sure every dollar is put to its best use and making sure we only spend those dollars we must.

For another appropriation season is upon us and we will spend it wisely.

CALLING FOR U.S. WITHDRAWAL FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, I would like to read to the Members from excerpts from an op-ed that the gentleman from Hawaii (Mr. ABERCROMBIE) and I published in ''USA Today.''

''The military occupation of Iraq will not turn Iraq into a democratic nation. Longstanding rivalries will do more to shape that country's future. Those forces will not be controlled by American boots on the ground no matter how many we put there or how long they remain.

''In Iraq there are no front lines, no easy way to tell friend from foe, no clear way to measure success. Iraq is a quagmire. It has become a recruiting post for Osama bin Laden. Are we to keep fighting indefinitely, losing more troops every week, spending billions of dollars, and increasing the strain on our Armed Forces, especially the Reserve and the National Guard?

''Iraq has already added $200 billion to our national debt and costs U.S. taxpayers more than $1 billion per month. It jeopardizes the strategic interests of the United States. It alienates allies in the Muslim world, and it is hindering efforts to create a united global front against al Qaeda.

''Unlike World War II, where the enemy surrendered and the troops came home, there is no such prospect in Iraq. We must define an endpoint. We will soon introduce legislation to achieve that goal by bringing the occupation of Iraq to a close. The troops have done their jobs. It is up to Congress and the President to forge a policy worthy of their sacrifices.''

HONORING GENERAL ANDREW JACKSON GOODPASTER

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

Mr. SHIMKUS. Madam Speaker, I attended West Point from 1976 to 1980. The Academy was going through much change dealing with a cheating scandal and the integration of the first women at West Point.

To effect change, the Army turned to a world renowned retired four star general, Andrew Jackson Goodpaster, a West Point graduate.

General Goodpaster, from Granite City, Illinois, led Army troops in World War II, Vietnam, and oversaw NATO and U.S. troops in Europe in the 1970s. General Goodpaster served at various times as an aid to Presidents Eisenhower, Kennedy, Johnson, and Nixon.

General Goodpaster died yesterday at the age of 90 here in D.C. at Walter Reed Army Medical Center. He is survived by his wife, Dorothy; two daughters, Susan and Anne; and seven grandchildren.

As their alma mater states: ''And when our work is done, our course on earth is done, may it be said well done, be thou at peace.''

Well done, Supe. Be thou at peace.

SAVINGS INCENTIVES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, as we continue debating the future of Social Security, it is important to remember for more Americans they cannot save enough for their retirement.

In fact, over half of all Americans do not participate in employer-sponsored retirement plans, and for 28 million households in America they have no other retirement security outside of Social Security.

For America's families retirements are less, not more secure. United Airline employees last week learned that painful lesson.

For that reason it is crucial that we strengthen, not weaken, Social Security, as well as enable more Americans to save for their retirement.

Specifically, step one, we should encourage companies to automatically enroll their employees in their 401(k) plans. At R.R. Donnelley, a Chicago company, auto enrollment dramatically increased 401(k) participation when they did automatic participation, up to 92 percent.

Second, we should make the Saver's Credit fully refundable and permanent. A recent H&R Block study shows, when offered a matching contribution, Americans save more.

Third, we should allow taxpayers to directly deposit their tax refund into a savings account.

And, fourth, finally, we should create universal 401(k)s for all Americans to consolidate the different savings plans that exist.

MEDIA NEEDS TO SHOW RESPONSIBILITY IN REPORTING

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

Mr. PITTS. Madam Speaker, ''Newsweek'' last night finally retracted a story that had deadly consequences. The incident underscores how high the stakes are for the news media. There is a prestige for organizations to get the story first. But that prestige often trumps factual reporting of issues. And the ''gotcha'' factor is often the motivation for running stories that are not as well researched as they could or should be. It is the ''gotcha'' bias that leads to shoddy reporting. This may be fine when they are covering the Michael Jackson case.

The problem with the War on Terror reporting is that terrorists are watching. When stories are reported here that fit their PR plan, terrorists use them to incite violence and hatred around the world. In the very next news cycle, their response can be heard. That means that mistakes are very costly and the damage done is outrageous.

In this case ''Newsweek's'' mistake cost the lives of 17 people in riots in Afghanistan and set back the cause of democracy there. This is inexcusable and irresponsible. And while it is good that Newsweek issued a correction, they should lead the way in setting a higher standard of reporting in the first place, particularly when we are talking life and death, war and peace.

ABUSE OF POWER

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

Ms. SOLIS. Madam Speaker, today I rise to denounce the Republican attack on our system of checks and balances that has existed in our country for well over 200 years.

Led by the Senate majority leader, the Senate Republicans are creating an unnecessary showdown over judicial nominations that will hurt the American public and especially women.

The truth is that since President Bush took office, the Senate has confirmed 208 of his judicial nominations and turned back only 10, which is a 95 percent confirmation rate.

There are reasons the Democrats are concerned about the judicial nominations. As Chair of the Democratic Women's Working Group, I am concerned about the nominations of Janice Rogers Brown and Priscilla Owen to the circuit court seats. Both these

nominees would come to the Federal bench with an agenda to roll back civil rights and labor protections, many of which would affect women and all Americans.

We have held these values dear for many decades, and I cannot stand quiet and allow the Senate Republicans to abuse their power. Eliminating the filibuster would destroy the procedures that would protect democracy in this institution.

The American public must stand up and be heard.

HONORING HOSANNA CHURCH JUNIOR HIGH YOUTH GROUP FOR THEIR EFFORTS ON BEHALF OF IRAQI SCHOOL CHILDREN

(Mr. KLINE asked and was given permission to address the House for 1 minute.)

Mr. KLINE. Madam Speaker, I rise today to recognize the efforts of some outstanding young Minnesotans.

What began as a routine service project for the Hosanna Church Junior High Youth Group has grown into a community-wide effort. The students, led by George Macaulay, set out to collect school supplies for Iraqi children. Once they had filled one box, however, they became inspired to do more. The students reached out to other groups within their church, then to other community groups. As of last week, the students had collected 20 boxes of school supplies and were still going strong.

I recall clearly the smiling faces of the Iraqi schoolchildren in my first congressional visit to Iraq 2 years ago. They were eager to learn, and their teachers and parents expressed gratitude for our assistance.

The Hosanna Youth Group is making a meaningful contribution to these children and demonstrating the commitment of U.S. citizens to the spread of knowledge and freedom.

I thank Mr. Macaulay, Alex, Jay, Patrick, Jack, Justin, Alexander, and Carter for all they have done. Their efforts are an inspiration to us all.

DEPLETED URANIUM MUNITIONS STUDY ACT OF 2005

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

Mr. McDERMOTT. Madam Speaker, today on behalf of 21 original Democratic co-sponsors, I am introducing the Depleted Uranium Munitions Study. The stakes could not be higher for U.S. soldiers and Iraqi civilians, and there is not a moment to lose, and I hope the Republican leadership will put it on the Suspension Calendar.

DU, as it is called, is a byproduct of the uranium enrichment process. It is toxic and has low-level radioactivity, and it is widely used by the United States military in Iraq.

There are countless stories of mysterious illnesses, higher rates of serious illnesses and even birth defects. We do not know what role, if any, DU plays in the medical tragedies in Iraq, but we must find out.

The Pentagon says there is no evidence that DU is harmful; yet the Pentagon also says soldiers should wear protective gear, including special clothing and a respirator, using DU. An Iraqi child has no protective gear. The Iraqi people have no respirators. If DU is so safe, why do American soldiers need to wear protective clothing in the first place?

We do not know if DU is safe or harmful; yet we have used 150 tons in the war so far.

Let the Pentagon prove that it is safe.

□ 1015

TOO LITTLE TOO LATE FOR NEWSWEEK RETRACTION

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

Ms. FOXX. Madam Speaker, I rise today to express my displeasure that Newsweek magazine published an inaccurate and irresponsible story that led to a deadly protest in Afghanistan.

The May 9 edition of Newsweek reported that U.S. interrogators at Guantanamo Bay used unreasonable and unacceptable methods to make Muslim detainees talk. These methods purportedly included the desecration of the Koran. Now Newsweek is apologizing for running the story, saying their ''official government source'' is unsure of the information he supplied to the magazine.

Madam Speaker, it is too little, too late for an apology and retraction.

While Newsweek has done the right thing by retracting their story, it cannot retract the irrefutable damage that has been done. Sixteen people died for no reason at all. Our brave men and women in uniform are now at greater risk. Furthermore, our country's image has been tarnished in the eyes of the Muslim community across the globe.

Media outlets must be sure to check their facts and get their story straight. We want and need a free press, but we must have a responsible press.

On balance, our media usually does an outstanding job of keeping the American people informed. I hope others will learn from this tragic mistake.

LAS VEGAS CENTENNIAL

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, the city of Las Vegas is celebrating its centennial this year. This past weekend marked the anniversary of the land auction that founded Las Vegas, and the city highlighted this momentous day with special events such as the return of the Helldorado Days Parade, baking and serving the world's largest birthday cake, and a reenactment of the land auction of 1905.

Las Vegas has grown from the western railroad stop of May 15, 1905 to the entertainment capital of the world that welcomed a record-setting 40 million tourists last year.

I remember as a girl with my family driving out west in search of the American Dream and finding it in Las Vegas, Nevada. Over the years, I have watched Las Vegas become the quintessential American city. Economic opportunity and the optimistic attitude of our citizens welcome thousands of new residents and millions of tourists every month.

I am proud to be a part of the Las Vegas community; and I wish my city, Las Vegas, a happy 100th anniversary. The best is yet to come.

IN SUPPORT OF JUSTICE PRISCILLA OWEN

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Madam Speaker, I rise today in support of Justice Priscilla Owen, Presidential nominee to the U.S. Court of Appeals for the Fifth Circuit.

Since her nomination in May of 2001, the Democrats have continuously threatened to use the filibuster to block a vote on her nomination, and she is unable to be confirmed. All judicial nominees deserve a fair up-or-down vote on the Senate floor. This judicial obstruction is unprecedented.

I personally know Justice Priscilla Owen. Her record on the Supreme Court of Texas is outstanding and she deserves the opportunity to serve on the U.S. Court of Appeals. Justice Owen has had broad bipartisan support, including the support of three former Democratic judges on the Supreme Court and a bipartisan group of 15 past Presidents of the State Bar of Texas.

If the Senate employs the constitutional option, it will not be changing the rules; it will simply be restoring the precedent and a 200-year tradition. Justice Owen deserves a fair up-or-down vote, as do all of President Bush's judicial nominees.

CHILD SUPPORT REINVESTMENT ACT OF 2005

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Madam Speaker, today I rise to introduce the Child Support Reinvestment Act of 2005. This much-needed bill will provide States, including my home State of California, with important penalty relief, allowing more money to flow where it should: to the children of our State awaiting their past-due child support payments.

California is in the process of developing the largest single statewide automated child support collection system

in the country. Although the project initially met with delays, California is now on track to compliance by September 2006.

However, rather than reducing the penalties as California makes progress towards its goal, the Federal penalties actually continue to grow, because the penalties are based on the amount the State invests in child support programs for the previous year. Effectively, we are hurting the very children that the program is trying to help by punishing States for doing their best to get each child the support payments they are owed.

My bill, the Child Support Reinvestment Act, will lower the penalties and allow the money levied in penalty to be used for the benefit of the children instead of the Federal Government's general fund. This is smart regulation for the States.

BORDER PATROL AND ILLEGAL ALIENS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, multiple news reports claim that the U.S. Border Patrol has been ordered to stop arresting illegal aliens in Arizona where American citizens have been patrolling. And why have the agents been asked to stop these arrests? Because an increase in the arrest rate was proving the effectiveness of the Minuteman volunteers.

I hope our government has not told agents to stop making arrests. I hope that the efforts of concerned citizens were not in vain.

Our government has spent close to $240 million to monitor the Mexican and Canadian borders with the latest technology. The problem? The equipment does not work. What is clear is that the Minutemen are working. Border agents credited the Minutemen with cutting the flow of illegal aliens with the number caught dropping from 500 a day to less than 15 per day. Madam Speaker, new solutions are needed; we cannot just throw money at our problems. It is clear that a group of concerned citizens are doing what $240 million could not do, but we need a permanent fix.

Madam Speaker, illegal immigration is not simply going to go away. We know there is a problem, and we must take the initiative and address this problem now.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATION FALLS SHORT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, this Homeland Security appropriation falls short in many areas: port security, first responders, interoperable communications, and aviation.

In aviation, recent tests by the Inspector General and the GAO show that there are unacceptable, continuing vulnerabilities to our system of aviation, and their conclusion is simple: the performance of finding explosives and other threat objects will not improve until we give the screeners 21st-century technology to fight 21st-century threats. The junk they are working with was thrown out a decade ago because it was inadequate for the United States Capitol before 9/11, but we are still using it in our airports and demanding they find threat objects that the machines simply cannot find. The Subcommittee on Homeland Security of the Committee on Appropriations is failing the test too. They are failing to protect the American traveling public.

JUDICIAL NOMINATION OF PRISCILLA OWEN

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

Mr. HENSARLING. Madam Speaker, 2 years ago this month, I rose to express my outrage with Democrats over their treatment of my fellow Texan, Supreme Court Justice Priscilla Owen. Today, due to Democrats' continued obstruction, Justice Owen, a highly qualified nominee from the Fifth Circuit Court of Appeals, is still being denied a simple up-or-down vote in the Senate.

Madam Speaker, despite unanimously receiving the highest possible rating of the American Bar Association, despite the strong, bipartisan support of several former Texas Supreme Court Justices and 15 past presidents of the State Bar of Texas, Texas Supreme Court Justice Priscilla Owen has still not received a simple up-or-down vote for 4 years. For 4 years, Senate Democrats have worked to obstruct our Constitution.

When Republicans were in power during President Clinton's term, no judicial nominee was ever deprived of a vote due to a filibuster. Now, after 200 years of American history, Democrats want to unilaterally change the rules.

Madam Speaker, Justice Owen has a right to get a vote on her nomination. Basic fairness dictates it, as does our Constitution.

HONORING THE CONTRIBUTIONS OF VIETNAMESE AMERICANS

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

Mr. REICHERT. Madam Speaker, I rise today to recognize an extraordinary group of people, our Vietnamese Americans.

This month, the gentleman from Virginia (Chairman TOM DAVIS) introduced, and the House passed, an important resolution honoring the contributions of the Vietnamese Americans over the past 3 decades, enriching our society with diversity, culture, and strength. Madam Speaker, I would like to thank the chairman for his work on this important issue.

Madam Speaker, 27,000 Vietnamese Americans live in my district of Washington State. One of the most remarkable experiences I have had as sheriff of King County in Washington, which I am now lucky enough to continue to represent as Congressman, is attending an annual event where South Vietnamese Police officers are recognized.

When the United States pulled out of Saigon, many were left behind. Some were executed, some sentenced to prison camps, some starved and beaten to death, all for being friends of the United States. And each year, these Vietnamese, who spent 15 to 20 years in prison camps, stand and salute our flag with tears in their eyes because they know what freedom is. They remind us of how great our country is, and I am privileged and proud to represent them.

JUSTICE OWEN: WELL QUALIFIED

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

Mr. WILSON of South Carolina. Madam Speaker, yesterday, The Wall Street Journal highlighted the extreme and politically charged use of the Senate Democratic filibuster.

Editors at The Wall Street Journal clearly articulated the audacity of the Democrats' radical claims against nominee Priscilla Owen of Texas. Justice Owen is a well-respected and accomplished nominee who enjoys significant bipartisan support and would be quickly confirmed if given an up-or-down vote. Unfortunately, Democrats are denying her this opportunity in a desperate attempt to hold on to Federal power and legislation through the judicial system. Their agenda is fueled by bitterness and is not in the best interests of the American people.

Majority Leader BILL FRIST is to be commended for maintaining the constitutional case for an up-or-down vote. Democrat obstructionism is a radical deviation from allowing Senators to vote for the nominees who are highly qualified to serve our country. I support Senator FRIST's efforts and urge Senate Democrats to give Justice Owen a fair vote.

In conclusion, God bless our troops and we will never forget September 11.

UP-OR-DOWN VOTE FOR JUSTICE PRISCILLA OWEN

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

Mr. BURGESS. Madam Speaker, I too rise this morning, along with my fellow Texans, to recommend to the other body that they have an up-or-

down vote on Justice Priscilla Owen. Justice Owen has been elected by the people of Texas to the State Supreme Court two times, the second time in the year 2000 with an overwhelming popular majority. During her last election, Justice Owen was endorsed by every major newspaper in the State of Texas.

Mr. C. Boyden Gray, writing an article about this, said: ''The members of the Texas legal community know Justice Owen to be a jurist of the highest integrity, one who is committed to following the law, no matter where it leads.''

The Dallas Morning News editorialized after she was nominated 4 years ago that ''Justice Owen's lifelong record is one of accomplishment and integrity. She is one of the few judicial nominees to receive the unanimous 'well-qualified' rating from the American Bar Association.''

The chairman of the Texas Commission on Judicial Efficiency, Baylor University President Herbert Reynolds, said, ''Based on my knowledge of Justice Owen for the past 30 years, I believe you simply cannot make a more solid choice for the 5th U.S. Circuit Court of Appeals.''

I urge the other body to have an up-or-down vote.

RECOGNIZING THE 216TH ENGINEER BATTALION OF THE OHIO NATIONAL GUARD

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

Mr. NEY. Madam Speaker, I rise today to recognize the 216th Engineer Battalion of the Ohio National Guard stationed in Chillicothe, Ohio, for their exceptional service during the war on terror.

The 216th completed more than 350 successful missions. They played a critical role in the construction of protective barriers to protect soldiers from enemy fire. And in preparation for Iraq's national election on January 30, the 216th placed concrete barriers at hundreds of voting sites to allow Iraqis to vote in a safe and secure environment. However, their service was not without tragedy. Twenty soldiers of the 216th were awarded Purple Hearts for wounds they received in combat, and three soldiers made the ultimate sacrifice.

In recognition of their exceptionally meritorious conduct, the 216th will be awarded the Meritorious Unit Commendation during their Freedom Salute Campaign celebration next month.

It is with great honor that I have the privilege of recognizing them today. The willingness to risk one's life in defense of the ideals our country was built upon and is the truest test of one's strength and character.

These men and women have excelled as patriots, and we are forever in their debt.

PROVIDING FOR CONSIDERATION OF H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the colon on page 6, line 8, through ''Office'' on page 7, line 7; beginning with ''of'' on page 7, line 17, through the semicolon on line 23; beginning with the colon on page 8, line 19, through ''108–541'' on page 9, line 15; beginning with the colon on page 9, line 23, through ''checkpoint'' on page 10, line 3; beginning with the colon on page 10, line 9, through ''Office'' on page 11, line 6; beginning with the colon on page 11, line 24, through ''Representatives'' on page 12, line 7; beginning with the colon on page 17, line 2, through ''intent'' on line 11; page 17, lines 21 through 24; beginning with the colon on page 18, line 5, through ''Act'' on line 18; beginning with the colon on page 21, line 2, through ''assets'' on page 22, line 12; beginning with the comma on page 26, line 22, through ''law'' on line 23; beginning with the colon on page 27, line 2, through ''funds'' on page 27, line 13: page 27, line 19, through page 28, line 5; beginning with the colon on page 28, line 15, through ''funds'' on page 29, line 2; beginning with the colon on page 29, line 6, through ''2005'' on page 30, line 8; beginning with the comma on page 36, line 19, through ''funds'' on line 22; and sections 507, 512, 515, 517, 518, 522, 523, 524, 525, 527, 529, 530, 532, and 534. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

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

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, the rule before us today is a fair and completely open rule that provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member on the Committee on Appropriations.

It waives all points of order against consideration of the bill, and provides that under the rules of the House the bill shall be read for amendment by paragraph. It waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill except as specified in the resolution.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides for one motion to recommit with or without instructions.

Madam Speaker, I rise today in strong support of this rule and the underlying legislation. This bill, sponsored by my friend, the gentleman from Kentucky (Mr. ROGERS), the chairman of the Appropriations Subcommittee on Homeland Security, funds an array of Federal programs aimed at securing the Nation against terrorist attacks, including Customs and border protection, transportation security, and Federal assistance to State and local first responders.

In addition, it funds some additional and vitally important missions of agencies that were included in the Democratic of Homeland Security when it was formed 2 years ago, such as disaster relief. This carefully considered legislation provides almost $31 billion for operations and activities of the Department of Homeland Security, an increase of $1.37 billion above fiscal year 2005 enacted levels, excluding $2.5 billion in advance appropriations for BioShield and $1.3 billion above the President's request.

It also provides $1 billion in mandatory budget authority for programs in the Department. Some of the other initiatives that the gentleman from Kentucky (Mr. ROGERS), the chairman, and his subcommittee have funded through this bill on behalf of the American public include: $7.5 billion to the Coast Guard, who are called today to defend our coast from the threat of terrorism;

$6.9 billion for the Bureau of Customs and Border Protection, including $4.9 billion for enforcement activities and assets; $458 million for computer automated import and export tracking

functions; $348 million for maintenance of air and marine vessels; and $93 million for facilities construction and maintenance;

$5.7 billion for the Transportation Security Administration, including $2.5 billion for aviation, passenger and baggage screening; $983 million for aviation security direction and enforcement; and $36 million for surface transportation security;

$4.5 billion for the Bureau of Immigration and Customs Enforcement, including $3.1 billion for immigration enforcement, detention and removal; and $699 million for Federal air marshals;

$3.6 billion overall for terrorism preparedness grants, including $750 million for formula-based grants to States; $1.2 billion in discretionary grants for high-threat urban ports, port security and public transportation security; $600 million for fire prevention and control grants; $200 million for training exercises and technical assistance grants; and $180 million for emergency management performance grants;

$3 billion for emergency preparedness and response, including $2 billion for disaster relief; $861 million for information analysis and infrastructure protection; and $422 million for the Office of the Under Secretary for Border and Transportation Security, including $390 million for the United States Visitor and Immigrant Status Indicator Technology known as US–VISIT program; $14 million for the NEXUS/SENTRI program; and $7 million for the free and secure trade programs.

In addition to providing these much needed funds throughout this legislation, the gentleman from Kentucky (Chairman ROGERS) and his committee have also focused sharply on the need for strong oversight and Congressional review of how the taxpayers' money is being spent wisely and efficiently on homeland security.

This much needed emphasis on oversight of the efficiency and effectiveness on how money is spent on defending our homeland will ensure that the money is spent wisely. It will also limit waste and abuse so that the programs that are truly needed to protect the safety of American citizens will have the funds when they are needed and the ability to operate those plans.

Madam Speaker, I strongly support this legislation and this open rule. I commend my colleagues on the Appropriations Committee for their hard work in developing this legislative product.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes.

Madam Speaker, the Homeland Security Appropriations bill is one of the most important bills this or any Congress will consider. The protections provided in this bill are designed to make our country safer and to prevent future terrorist acts from taking place inside the United States.

The Homeland Security Appropriations Subcommittee has a difficult job. The gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), have done the best they could with the limited resources provided to them. While I do not agree with every choice they made, they certainly have my appreciation and gratitude for the job that they have done.

Nonetheless, Madam Speaker, I am very concerned with the inadequate funding levels provided to the Appropriations Committee and with the continuing lack of accountability on the part of the Bush administration.

Now, let us not kid ourselves today. Congress must provide more funding to protect our Nation from terrorist attacks. We should not be forced to choose among funding port security, air security, border security and first responders. These distinct areas of security are all necessary parts of an integrated whole, and none of them should be short-changed. But the reality is that the reckless fiscal policies enacted by the Bush administration and the Republican leadership in Congress are short-changing these and other important programs.

The tax cuts enacted over the last 5 years, coupled with the hundreds of billions of dollars spent on the war in Iraq, have drained the Federal Treasury to the point where even the fire grants that help our local fire departments prepare for the challenges they face every day will be severely cut in this bill.

Madam Speaker, that is the wrong choice. Many of my Republican friends will claim that the Homeland Security Appropriations Subcommittee did the best they could with the allocation provided to them. That argument does not tell the whole truth. Many of my colleagues on the other side of the aisle will try to have it both ways. They want to criticize the low funding level in this bill, but they do not want to criticize the fiscal policies that have put us in the hole we are in today.

I know that my colleagues on the Homeland Security Appropriations Subcommittee will describe this bill in more detail, but I want to highlight a few key programs.

Again, I am disappointed that this bill short-changes the fire grant program. It is one of the most successful programs in the country and it deserves to be increased and not cut.

I am also disappointed that this bill fails to live up to the promises made in the Intelligence Reform Act, enacted just in December. This bill short-changes border security, a key component of the 9/11 Commission report that was released last year.

The silver lining, thin as it is, Madam Speaker, is that the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), were able to increase some funding for port security and transit security, and I am pleased that this bill also directs the Homeland Security Department to take concrete actions to protect this country.

For too long the administration has refused to hold the Department of Homeland Security accountable for its actions, and the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), included provisions to make the Department accountable, and to provide the necessary oversight of the Department that has been lacking since its creation.

For example, this bill will impose penalties on the TSA Administrator if a requirement to increase the screening of air cargo is not implemented by the end of the fiscal year.

Madam Speaker, for too long the Bush administration has refused to provide general oversight on the Department of Homeland Security. This fits the pattern of a complete lack of accountability on the part of this administration. From the Education Department paying for its own propaganda with taxpayer funds, to the absence of weapons of mass destruction in Iraq, to the wasting of billions of dollars in Iraqi reconstruction contracts, this administration has made mistake after mistake after mistake.

Yet the Republican Congress does not want to do anything. Ask no question, demand no answers. Under this Republican leadership, the legislative branch of government is barely a twig. And so, Madam Speaker, we see the same things happening in the Department of Homeland Security. After publicly supporting a dramatic increase in the number of air marshals, the last two Bush budgets actually proposed cuts in funding for this important program.

Yesterday at the Rules Committee, the gentleman from Kentucky (Chairman ROGERS) testified at length how the Coast Guard refuses to provide detailed plans for their Deepwater program and how the only way to get their attention is to withhold funds for this program. The same is true with the TSA's implementation of cargo screening measures and the deployment of explosive detection technologies at airports around the country.

Madam Speaker, I am pleased that this bill attempts finally to force some kind of accountability from the administration.

But, finally, Madam Speaker, I want to say something about the rule today. I am pleased that it is an open rule. There have been 30 rules considered so far this year, and only three of those rules have been open. That is a batting average of 100, which will get you kicked off of any self-respecting Little League team. This is no way to run the people's House.

I am also disappointed with the way this rule jeopardizes much of the oversight language written by this bill, by exposing it to points of order. The gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) worked in a bipartisan way, as they should on an issue like this. This rule undercuts that bipartisanship.

Madam Speaker, for the past 3 years the Homeland Security Appropriations Subcommittee has been this body's only source of oversight of the Department of Homeland Security. Earlier this year the Committee on Homeland Security was established. This committee just reported out its first authorization bill, which will be considered later this week.

Madam Speaker, it is not good policy to strip out the oversight language provided by the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), because of a turf fight between two committees.

□ 1045

The Committee on Homeland Security will have a chance to bring forth its bill this week, and in the future I hope will provide the necessary oversight of the Department so that the Committee on Appropriations does not have to do two jobs; but we should not strike this language from this bill today just because the authorizing committee is unhappy. To do so would be irresponsible, and that is why the rule today should be defeated.

I would say to my friends, especially on the other side of the aisle, that it is a little bit frustrating to hear them talk about accountability on one hand and to support a rule that strips all the accountability from this bill.

We heard last night in the Committee on Rules of the fact that the Homeland Security Department has failed to provide Congress with required reports. We have heard about how deadlines have been missed, one after another. There needs to be accountability.

It is clear that this bill, if this rule passes, does not hold up to that standard of accountability, and I would like to think that the Members of Congress, since we had a role in creating this agency, would want to hold this committee accountable.

This is about our safety. This is about protecting the people of this country, and it is clear that we need to rein in the people over at the Department of Homeland Security.

So, Madam Speaker, I would say in closing that I have great respect for the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO). I think they provided the Committee on Rules last night with a good bill that had some teeth in it, that would hold the Department of Homeland Security accountable, but apparently, the Committee on Rules last night decided to just throw all that away.

So I would urge my colleagues to vote ''no'' on the rule.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the opportunity to be here on behalf of this rule today, as my colleague, the gentleman from Massachusetts (Mr. MCGOVERN), points out, is all taking place as a result of the hard work that took place not only between the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO); but, really, it was from a lot of work that has taken place over a long period of time, working with the administration, working with the Homeland Security Department.

I must confess that I believe that we should have stronger oversight. I think we agreed on that last night in the Committee on Rules. We are also of the belief that the new leadership at homeland security will continue in this very important task of working with not only the administration but working with our appropriators, our authorizers, the people who are very interested in making sure that we move in a collaborative effort forward for homeland security.

So I am proud of what the bill is today. I think that what the subcommittee did was good work. We are going to get it on the floor today. We are going to debate it. We are going to make it better, and I am proud of the progress that we are making.

Madam Speaker, I reserve the balance of my time.

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

Well, I appreciate my colleague from Texas talking about the fact this is a good bill. I agree with him. If it is such a good bill, why did the Committee on Rules allow half the bill to be stripped out?

During the testimony before the Committee on Rules, I think everybody, Democrat and Republican, on that committee praised the work of the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) and talked about the fact that we do need to hold the Department of Homeland Security accountable. I did not hear any dissension during the discussion in the Committee on Rules, and we also think it was a good bill.

Yet, here we are with a rule that would basically strip half of the most important provisions out of the bill. I do not think that is very responsible.

Madam Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, whoever designed this proposition today is a real piece of work.

This is the bill that was submitted to the Committee on Rules last night, a perfectly coherent bill. I had already indicated my intentions to support the Republican chairman's effort. I thought he did a reasonable job, even though he had inadequate resources.

This is the bill after the Committee on Rules has gotten done with it. Look at this. The Committee has shredded the document that we are supposed to take seriously when we come to this floor and debate it today. It is eviscerated.

I do not understand the majority leadership in this House. Earlier this year, I was asked if I would work out a process which would enable the majority to pass its appropriation bills in a timely fashion. I have been working with the majority; and so far, we have worked out a process which we expect will enable us to support at least seven of the appropriation bills that are coming to the floor.

I had fully expected to stand shoulder to shoulder today with the gentleman from Kentucky, the chairman of the subcommittee, who has done a most thoughtful job in providing necessary oversight for one of the most dysfunctional agencies in this government; and even though he had been given inadequate resources, I had indicated that because of the quality of that oversight I intended to vote for the bill.

That is no longer the case. If this bill is shredded on the floor by points of order made by willful single Members, I will vote against the bill because it will then make no sense whatsoever.

What this action does, in making these provisions subject to a point of order by a single Member, this action puts at risk the thoughtful effort that the committee has put together with respect to securing screening of cargo on passenger airplanes. It puts at risk the funding to ensure that we have a rational terrorist watch match list operation. It puts at risk funding for port security and a number of other items critical to the national defense of the country.

This bill is being eviscerated because of a juvenile, a juvenile, dispute within the Republican caucus about committee jurisdictions. It is what Dick Bolling, my old mentor, used to call dung hill politics, where people put the welfare of their own committee ahead of the welfare of this institution and the welfare of the country. It is little league politics at its worst.

I do not understand how we can be asked on the minority side to sit down and work out a bipartisan agreement on this appropriation bill, and then after we have done so, we are then told that some whiz kid, either in the Committee on Rules or in the leadership's office, has decided that they do not like the compromise and they are going to open it up, to shred it.

The Committee on Homeland Security, the authorization committee that is objecting to some of these provisions in the bill, this is a committee that has existed for 3 years and never put one bill into law. The one bill that has to pass in order to assure this country

adequate security is this bill, the appropriation bill for homeland security; and yet we are going to follow a process today which not only shreds this bill but makes much less likely the prospect that we will finish our regular appropriation bills on time.

If the leadership did not intend to allow this bill to go forward, then why did it even allow it to come up until the authorization committee had gotten off its duff, done its job, completed action on the authorization, so the appropriation committee could then bring the bill to the floor? If the House leadership on the majority side of the aisle did not think it was important enough to pass this bill, then why are we here? Why are we here? Why are we wasting our time?

All this process means is that in the name of jurisdictional purity, the average Member of this House will not have any say whatsoever about the eventual content of the provisions stricken from this bill because those choices will be made behind closed doors, in conference between the two Chambers, out of reach of the average rank-and-file member on both the Committee on Appropriations and the authorization committee. This is a lousy way to run a railroad.

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

The gentleman makes some very good points about not only his vision and ideas about jurisdictional issues, but I would say to my colleagues today that there is some disappointment on behalf of the gentleman from Kentucky (Mr. ROGERS), our great chairman, who worked very diligently, faithfully not only with homeland security but also others in this Congress who are attempting to make sure that Congress not only has a say about the money that is appropriated but an expectation back from the administration and homeland security about the worthiness of what we believe public policy should be. I think this leadership, I think the Committee on Rules last night heard the argument and were very hopeful that we can reach resolution.

Today, we are going to debate this bill. Today, we are going to pass this rule, and we are going to pass this bill, and it is going to empower not only the gentleman from Minnesota (Mr. SABO) but also the gentleman from Kentucky (Mr. ROGERS) to continue, to go back and do their work, to go back, yes, to the table once again with homeland security and to talk about how important it is that the Homeland Security Department provide information on a timely basis.

It is important for us to continue providing reassurance to the American people that the philosophy, that the plans that are in place and moving forward will meet the continuing threat needs against this country.

What I would say is that we are not going to give up on the process. I do not know that it is perfect. I expressed some reservations myself yesterday in the Committee on Rules about things which I supported, but I believe that our chairman and the ranking member are forthright about their need, their desire to make sure that we will continue working with Department of Homeland Security, even when we have the disagreements. This is a strong sense of the support in Congress that we have for the appropriators to go back and continue to do their work.

So I am proud of what we are doing. I do not think it is a sham. I understand completely why we are here today. I think it will be very clear when we vote today, and it will be a strong signal back to the American public that we intend to be serious about not only the threats that are placed against this country but also those avenues that make sure that our border security continues to provide on a moving-forward basis the ability that we have to meet the threat that is placed against this country.

Madam Speaker, I reserve the balance of my time.

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

I am not proud what we are doing here today. I mean, this is a sham; and I would say to the gentleman that the choice is clear: you either support the chairman and you either support holding the Department of Homeland Security accountable or you do not.

The way the Committee on Rules came up with this rule, which subjects all these very important provisions to points of order, makes it impossible to hold the Department of Homeland Security accountable. I do not know how anybody who sat in that Committee on Rules meeting last night, all who agreed that what is going on in the Department of Homeland Security right now is very troubling, missing deadlines, not fulfilling requirements that this Congress has asked them to fulfill, I do not know how they could express solidarity with what the chairman and the ranking member were saying and then support a rule like this which undercuts all the accountability. I mean, this is wrong.

Madam Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO), the ranking Democrat on the committee.

Mr. SABO. Madam Speaker, I thank the gentleman for yielding me time.

I rise to oppose this rule. Funding government is about money, but it is also about how that money is used. This rule leaves unprotected virtually all of the good government provisions in the homeland security appropriations bill. This rule should be defeated.

What does it do? It leaves unprotected provisions that will increase the screening of air cargo trade on passenger and other aircraft.

If my colleagues think we are doing a good job of screening air cargo on passenger planes today, vote for this rule. If my colleagues think we should do what Congress has said in increasing screening on air cargo on passenger planes, then vote ''no'' on this rule.

□ 1100

This rule leaves unprotected a provision that will fund additional explosive detection equipment to check airline passengers and carry-on and checked bags.

This rule leaves unprotected a provision that will ensure that passenger prescreening programs are secure and that the public's vital information is protected.

This rule leaves unprotected provisions to protect taxpayers' dollars from being spent on programs that are not well planned and properly implemented.

This rule leaves unprotected $84 million for checking airline crews and passengers against the government's terrorist watch list. Is that really what we want to do?

This rule leaves unprotected $150 million for port security grants.

This rule leaves unprotected a provision to ensure that those managing big government contracts have the proper training to do so. If you believe that the Department of Homeland Security and the Transportation Security Agency are managing contracts with quality and professional management, then vote for the rule. If you believe there are troubles, as indicated by report after report from the Inspector General and the General Accounting Office, then vote ''no'' on this rule.

This rule leaves unprotected a provision to ensure that only truly sensitive information is designated as such. The Department's current approach permits everyone at TSA to designate any document as sensitive and, therefore, not releasable to the public.

This rule does not allow the Obey amendment to fund the border security requirements of the Intelligence Reform Act and the REAL ID Act.

This rule should be defeated.

The subcommittee developed a responsible bill that provided proper and necessary Congressional oversight of critical homeland security programs. This rule allows that oversight to be decimated.

The fact is that the chairman, the gentleman from Kentucky (Mr. ROGERS), did an outstanding job in developing a bill with proper oversight to present to the House. This rule would allow one-fourth, or a total of 14 pages of this bill, to be deleted.

We are here to conduct serious oversight of the Department of Homeland Security, not simply to rubber stamp the administration's budget request.

I oppose this rule and urge Members to vote against it.

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

I think we just saw an articulate discussion about how people do need to work together here in Washington and how the ranking member, the gentleman from Minnesota (Mr. SABO), and

our chairman, the gentleman from Kentucky (Mr. ROGERS), worked together in their desire to make sure that Homeland Security is listening and to make sure it is a collaborative effort. We are going to keep after it. We are going to keep doing the right things that will ensure that the American public understands and gets not only every single dollar's worth, not a penny more, but every single dollar's worth of what is paid for that will secure this country, and that involves the efficiency and effectiveness of Homeland Security.

We had a discussion yesterday about the leadership of Homeland Security; how we know it is brand new, how we know the daunting challenge that is ahead of placing together all of these organizations and making them work well together, having them under the same mission statement and making sure that they are funded properly, making sure we hear back from them, making sure they hear back from us.

Really, what this debate is about today is that we are not sure that Homeland Security is effectively listening to us, the policies that we would intend for them to place before the American public; to implement those and to make sure safety and security is taken care of properly, and then, lastly, the information back that will allow the ranking member and our great chairman a chance to philosophically address those changing parameters and threats against this country.

I believe that this administration will be serious about it. I believe the new leadership of Homeland Security in their wisdom and ability to work more carefully as time moves on will answer these questions and they will provide those things that are necessary.

But we just saw a prime example of the kind of steady hand, proper leadership that exists here in the House of Representatives, and I am proud of that. I am proud of this on both sides of the aisle. I think we will continue working together, and I think that is what this legislation will prove worthy of today.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

This is an incredibly frustrating moment for many Members in this Chamber. The gentleman from Texas talks about the incredible partnership of the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS), the bipartisanship and their desire to hold the Department of Homeland Security accountable and to make sure that we are all protected. Then he is urging that we support a rule that would basically cut all the provisions in the bill that would hold the Department of Homeland Security accountable. He is urging we support a rule that would basically obliterate the bipartisan agreement that we have come to here.

Every Member of this House gets on an airplane probably at least twice a week. And when you look at the state of airline security, when you look at the deadlines that have been missed, when you look at the reports that they have failed to respond to, you have to ask yourself, why are we not doing a better job in holding them accountable and making sure they keep their deadlines?

Again, in the Committee on Rules last night the gentleman from Texas seemed to agree with all these provisions that were in this bill to hold the Department of Homeland Security accountable, and now he is on the floor telling us to support a rule that would strip the bill of all these provisions. It just does not make any sense to me. Why do we not do this right?

We know what has to be done, let us just do it. Instead, you are taking a good bill and you are just tearing it apart, and it just does not make any sense to me. We need to do this right. We cannot afford to get this wrong.

So I urge my colleagues on both sides of the aisle to appreciate the fact that we have a bipartisan bill here, to appreciate the fact that Chairman ROGERS and Ranking Member SABO and members of this committee worked tirelessly to make sure we that hold this agency accountable. It needs to be held accountable. Nobody disagrees with that. Do not destroy that by voting for this rule. Vote down this rule and let us go back and report another rule immediately, one that respects the agreement that has been reached here.

Mr. Speaker, I will also be asking Members to oppose the previous question. If the previous question is defeated, I will amend the rule so that we can consider the Obey amendment that was not made in order by the Committee on Rules.

Mr. Speaker, the Obey amendment does several things. First, it funds 500 additional border patrol agents, 600 additional immigration investigators, and 4,000 additional detention beds so that the increases called for in the Intelligence Reform Act are fully funded. It also funds the grant program authorizing the REAL ID Act instead of imposing a costly unfunded mandate on our States.

This amendment fully offsets the $500 million in additional funding for this border enforcement and the REAL ID Act by capping at $138,176 the tax cut people making over $1 million this year will receive.

Mr. Speaker, the Republican leadership likes to talk about making this country more secure and about protecting our borders from terrorists, yet they refuse to provide the funds necessary to do this. They also like to brag about how they would never impose an unfunded mandate on States and local governments, yet just 2 weeks ago they did just that.

We have a chance to fix this today by voting for the Obey amendment. It is very disturbing that the Republican leadership of this House would deny Members an opportunity to vote on an amendment to make Americans safer.

As always, I want to emphasize that a ''no'' vote will not prevent us from considering the homeland security appropriations bill, but a ''no'' vote will allow Members to vote on the Obey amendment. However, a ''yes'' vote will prevent us from adequately protecting our borders and from stopping the major financial burden we are placing on States to implement the REAL ID Act.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and a description of the amendment immediately prior to the vote.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question so that we would have an opportunity to fully fund protection of the border and urge my colleagues to vote ''no'' on this rule.

We had a great opportunity in the Committee on Rules last night to do something good and get it right, and they blew it, so vote ''no'' on the rule as well.

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

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

We have had a great opportunity to air out our differences today, our hopes and expectations about what we think the brighter and better future will be for the relationship that we have with Homeland Security, and today is part of that process.

I would like to once again reiterate my support for Chairman ROGERS and Ranking Member SABO, but I would also like to extend to the members of the Homeland Security Subcommittee my thanks for a job well done. They have spent a lot of time not only traveling around the country, with interaction and meeting with very important people who are focused on a daily basis on our homeland security, and so I want to thank those Republicans who are members of this subcommittee: The gentleman from Tennessee (Mr. WAMP), the gentleman from Iowa (Mr. LATHAM), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from New York (Mr. SWEENEY), the gentleman from Arizona (Mr. KOLBE), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Louisiana (Mr. CRENSHAW), the gentleman from Texas (Mr. CARTER), and the vice chairman, the gentleman from Oklahoma (Mr. ISTOOK). It has taken a lot of their hard work, along with our friends on the other side of the aisle to make sure that the legislation would get to the floor today.

I would like to congratulate the chairman of the full committee also, the gentleman from California (Mr. LEWIS), for his hand in making sure this works.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment to the resolution.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

On page 2, line 21, strike ''; page 17, lines 21 through 24''.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION H. RES. 278—RULE FOR H.R. 2360 FY06 HOMELAND SECURITY APPROPRIATIONS

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

''SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

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

AMENDMENT TO H.R. 2360, AS REPORTED (HOMELAND SECURITY APPROPRIATIONS, 2006) OFFERED BY MR. OBEY OF WISCONSIN

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

SEC. ____. (a) The amounts otherwise provided in this Act for the following accounts are hereby increased by the following sums:

(1) ''Customs and Border Protection—Salaries and Expenses'', $95,000,000.

(2) ''Customs and Border Protection—Construction'', $25,000,000.

(3) ''Immigration and Customs Enforcement—Salaries and Expenses'', $266,000,000.

(4) ''Federal Law Enforcement Training Center—Salaries and Expenses'', $9,000,000.

(5) ''Federal Law Enforcement Training Center—Acquisitions, Construction, Improvements, and Related Expenses'', $5,000,000.

(b) For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109–13, div. B) to assist States in conforming with minimum drivers' license standards, there is hereby appropriated $100,000,000.

(c) In the case of taxpayers with adjusted gross income in excess of $1,000,000 for calendar year 2006, the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. 107–16) and the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 1.562 percent.

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

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes, if ordered, on the amendment to House Resolution 278 and the adoption of House Resolution 278.

The vote was taken by electronic device, and there were—yeas 223, nays 185, not voting 25, as follows:

[Roll No. 174]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—185

Abercrombie
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—25

Ackerman
Baird
Boucher
Brady (PA)
Burton (IN)
Carson
Cubin
Davis (IL)
Dingell
Doyle
Fattah
Gohmert
Kanjorski
Kilpatrick (MI)
Larson (CT)
Millender-McDonald
Neal (MA)
Owens
Peterson (MN)
Slaughter
Sweeney
Thomas
Waters
Wicker
Young (FL)

□ 1136

Messrs. BOREN, GORDON, STUPAK and RUSH changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 174, had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. REHBERG). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. MCGOVERN. 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 222, noes 185, answered ''present'' 2, not voting 24, as follows:

[Roll No. 175]

AYES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—185

Abercrombie
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—2

Emerson
Istook

NOT VOTING—24

Ackerman
Baird
Boucher
Brady (PA)
Burton (IN)
Carson
Cubin
Davis (IL)
Dingell
Doyle
Fattah
Gohmert
Honda
Kanjorski
Kilpatrick (MI)
Larson (CT)
Millender-McDonald
Neal (MA)
Owens
Scott (VA)
Sweeney
Waters
Wicker
Young (FL)

□ 1151

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2360 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 278 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2360.

□ 1153

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 consideration of the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky (Mr. MIKE ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. MIKE ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to be here today to present the fiscal 2006 Homeland Security Appropriations bill.

The first chapter for the Department of Homeland Security has been written. Progress has been made, and our country is safer today than it was before September 11. In 2 years the Department has developed and deployed new technologies to inspect cargo at our seaports and detect hazards in our environment. US–VISIT has been put in place at all international airports and seaports; a one-stop shop for first responders has been created; more than 90,000 national assets have been catalogued in a national infrastructure database; and a communications system with State and local governments is in place.

These are important accomplishments, but they are not enough. There is a great deal of work to be done, and it is time to write the next chapter.

The bill before us today provides $30.8 billion in discretionary funds for the upcoming fiscal year, $1.4 billion above the current year and $1.3 billion above the amounts requested by the President. There are some tough choices in here, but they have been made after a careful review of how the Department is functioning, which programs work, and which ones, quite frankly, are broken.

Nearly 2 years ago, when the Department was first created and came before the Committee on Appropriations seeking funds, I made it clear that homeland security requires the active engagement of all Americans and all branches of government; that we are all stakeholders and must be treated as such. I also advised that the Committee on Appropriations would be a partner as the Department sought to secure our homeland, that we would not be casual bystanders willing to sign a blank check. I have consistently

and repeatedly told the Department that we would require accountability and cooperation, that we would expect them to establish and meet specific milestones, that we would watch and measure their progress. We have done that, exactly that. And, frankly, Mr. Chairman, I am disappointed.

I have come to the conclusion that there are two fundamental challenges within this Department. First, DHS has been slow to build its internal capabilities. The information technology infrastructure has not been integrated. There is no system in place to develop, certify, and transfer homeland security technologies. A financial management system that tracks where the money goes does not exist, and there is only a limited capacity to put first responder funds out on the street based on standards and minimum levels of preparedness.

Second, the Department has not been successful at revising missions and assets of legacy organizations in a way that reflects the post-9/11 homeland security environment. All too many examples come to mind: the Coast Guard, Immigration and Customs Enforcement, Border Protection, and Transportation Security. In too many cases it is just business as usual. Missions and threats have changed, but the Department has not. This is unacceptable. The ''business as usual'' mentality has to go.

The bill before us is anything but business as usual. The Department has been a reluctant partner and has ignored requests for information and direction to move expeditiously in the implementation of important national policies and goals.

This became all too obvious this year when the Department ignored Congressional requests for comprehensive information on the Coast Guard's important Deepwater program. The Department will find that that lack of information has cost them. Absent a revised baseline that reflects post-9/11 mission requirements for the Coast Guard, Deepwater is being funded at pre-9/11 levels, $500 million. That is $466 million below the request. It is a simple equation, Mr. Chairman: No information equals no money.

□ 1200

Throughout this bill, we will see this equation applied. There are more than $485 million in cuts because the Congress did not get the information we needed to make informed decisions about programs and operations. There is also more than $310 million in fenced funding, until the Department performs certain actions, including implementation of new air cargo screening methods and standards, an immigration and border security enforcement strategy, and a plan to deploy explosive detection technologies to our Nation's airports.

Within this bill, first responders are funded at the President's requested level of $3.6 billion. I would like to point out that there continues to be problems at the local, State, and Federal levels in terms of getting money actually out to first responders. We have recently learned, Mr. Chairman, that only 30 percent of the funds that we have appropriated since 2002, have been spent. Including the 2005 grant money, there is $6.8 billion in the grant pipeline.

Mr. Chairman, that is unacceptable.

The bill does not propose any changes to the current formula as to how those monies are dealt out, but it does recognize that legislation which passed this Chamber last week is moving through the process. The appropriations bill will allow 2006 funding to go out based on any formula change that may be signed into law. The bill also presumes that if new formulas do not go into effect, the Department would maintain the minimum allocation for States of .75 percent. The balance of that fund, though, would go out based on risk, threat, and need; not, as it has in the past, based solely on population. That is a fundamental change in the way first responder monies would go out.

The bill also includes a significant increase for border security and immigration enforcement. A total of $1.2 billion is added for the Customs and Border Patrol and the Immigration and Customs Enforcement branches. That funding is on top of the $550 million that was provided in the emergency supplemental just signed. Between that supplemental and this bill, we will be providing the Department with the resources to hire an additional 1,500 border patrol agents and 568 ICE officers throughout the country. Funds are also available to add some 3,870 detention beds, which would be roughly a 20 percent increase over current levels. Also, funds are available for new radiation portal monitors and air assets.

These funds, though, Mr. Chairman, would come with strings attached. Our immigration enforcement strategy needs an overhaul. Despite more than tripling spending on border security and immigration enforcement in the last 10 years, the number of illegal immigrants in the U.S. has more than doubled, an unbelievable 11 million estimated illegal aliens in the country; and that number is growing by a half a million a year, by conservative estimates.

And of that total, there are more than 465,000 absconders, people who have been caught, brought to court, released on their own recognizance to report at a later date, which they fail to do. And of those, 80,000 of them have criminal records. Those numbers, Mr. Chairman, will only get worse unless we act.

Immigration enforcement is one of the most critical components of homeland security, yet the Department's current strategy has changed little since the days of the old Immigration and Naturalization Service. In order to inspire change, the bill includes language requiring the Secretary to submit an immigration enforcement strategy to reduce the number of undocumented aliens by 10 percent per year. The bill withholds $20 million of the Secretary's office funds until we receive that strategy.

Finally, for transportation security, the bill includes $6.4 billion, partially offset by fees, which is an increase of $344 million above the current year. The bill includes several provisions that address years of frustration in dealing with the Transportation Security Administration. For too long, TSA and others have ignored congressional direction regarding general aviation at Reagan National Airport. A legislative provision is included, after these 3 or 4 years of discussions, requiring the Secretary to open Reagan National Airport to general aviation within 90 days of enactment of this act.

The committee also has repeatedly asked for a plan as to how TSA would be installing the explosive detection systems, the so-called x-ray machines, at our airports. Again, TSA has ignored the Congress. In addition to providing $495 million for the purchase and installation of these x-ray machines, the committee fences $50 million of the administrator's funds until an installation plan is provided to the Congress.

Finally, the bill provides $100 million for cargo security in passenger planes. TSA has ignored congressional directions to triple the screening of air cargo on passenger aircraft. As a result, the committee reduces the appropriation for TSA headquarters by $100,000 for each day that the tripling of air cargo is not implemented. The bill also fences another $10 million until new cargo screening standards and protocols are implemented.

These next few years, Mr. Chairman, will define the Department's place in history. This bill may be tough, and I admit that it is, but I hope it is a wakeup call. It is time to take strong action to ensure that the Department's place in history and our safety will be one of success and leadership in securing our homeland and not one of government bureaucracy and failed opportunities. It is now time for action.

I appreciate that the bill includes several tough provisions. I am aware that the new Secretary is in the process of completing what he calls a second-stage review of the Department's programs and operations. I am pleased about that. While I have great respect and confidence in the Department's new leadership, and we look forward to receiving any recommendations the Secretary may have to move the Department forward, we cannot ignore the fundamental problems that we have been experiencing with this Department since its creation. I urge my colleagues to support the measure.

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HOMELAND SECURITY					
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Departmental Operations					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary	2,141	2,393	2,393	+252	---
Immediate Office of the Deputy Secretary	1,112	1,132	1,132	+20	---
Office of Security	21,424	61,278	51,278	+29,854	-10,000
Chief of Staff	5,240	4,103	4,103	-1,137	---
Executive Secretary	3,500	5,491	5,400	+1,900	-91
Office of Policy, Planning and International Affairs	---	8,770	8,770	+8,770	---
Special Assistant to the Secretary/Private Sector	3,781	4,181	4,181	+400	---
Office for National Capital Region Coordination	688	1,072	982	+294	-90
Office of International Affairs	1,200	---	---	-1,200	---
Office of Public Affairs	8,120	9,312	9,172	+1,052	-140
Office of Legislative Affairs	5,400	6,182	5,500	+100	-682
Office of General Counsel	10,821	11,947	11,800	+979	-147
Office of Civil Rights and Liberties	13,000	13,000	13,000	---	---
Citizenship and Immigration Services Ombudsman	3,546	3,652	3,652	+106	---
Homeland Security Advisory Committee	1,287	---	---	-1,287	---
Privacy Officer	3,774	3,981	4,381	+607	+400
Regions	---	49,895	---	---	-49,895
Operation Integration Staff	---	9,459	7,495	+7,495	-1,964
Subtotal, Office of the Secretary and Executive Management	85,034	195,848	133,239	+48,205	-62,609
Office of the Under Secretary for Management:					
Under Secretary for Management	1,434	1,867	1,822	+388	-45
Business Transformation Office	920	948	948	+28	---
Office of the Chief Procurement Officer	7,350	9,020	9,020	+1,670	---
Office of the Human Resources	7,200	---	---	-7,200	---
Office of the Chief Human Capital Officer:					
Salaries and expenses	---	8,996	8,951	+8,951	-45
MAX - HR System	---	53,000	53,000	+53,000	---
Subtotal, Office of the Chief Human Capital Officer	---	61,996	61,951	+61,951	-45
Office of Administration	27,270	---	---	-27,270	---
Office of the Chief Administrative Officer:					
Salaries and expenses	---	40,731	40,286	+40,286	-445
Nebraska Avenue Complex (NAC-DHS Headquarters)	---	26,070	26,070	+26,070	---
Subtotal, Office of the Chief Administrative Officer	---	66,801	66,356	+66,356	-445
Immigration statistics	5,898	5,987	5,987	+89	---
Headquarters	65,081	---	---	-65,081	---
Human resources system	36,000	---	---	-36,000	---
Subtotal, Office of the Under Secretary for Management	151,153	146,619	146,084	-5,069	-535
Office of the Chief Financial Officer	13,000	18,505	18,505	+5,505	---
Office of the Chief Information Officer:					
Salaries and expenses	67,270	75,756	75,756	+8,486	---
Information technology services	91,000	110,944	110,944	+19,944	---
Security activities	31,000	31,000	31,000	---	---
Wireless program	86,000	86,000	86,000	---	---
Subtotal, Office of the Chief Information Officer	275,270	303,700	303,700	+28,430	---
Total, Departmental operations	524,457	664,672	601,528	+77,071	-63,144

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General					
Operating expenses	82,317	83,017	83,017	+700	---
Total, Office of Inspector General	82,317	83,017	83,017	+700	---
Total, title I, Departmental Management and Operations	606,774	747,689	684,545	+77,771	-63,144
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
Office of the Under Secretary for Border and Transportation Security	9,617	10,617	10,617	+1,000	---
U.S. Visitor and Immigrant Status Indicator Technology	340,000	---	---	-340,000	---
Automation Modernization					
U.S. Visitor and Immigrant Status Indicator Technology	---	---	390,232	+390,232	+390,232
FAST	---	---	7,000	+7,000	+7,000
NEXUS/SENTRI	---	---	14,000	+14,000	+14,000
Total, Automation Modernization	---	---	411,232	+411,232	+411,232
Office of Screening Coordination Operations:					
U.S. Visitor and Immigrant Status Indicator Technology	---	390,232	---	---	-390,232
SecureFlight	---	94,294	---	---	-94,294
FAST	---	7,000	---	---	-7,000
NEXUS/SENTRI	---	14,000	---	---	-14,000
Credentialing/Startup	---	20,000	---	---	-20,000
Fee Funded Program:					
TWIC/TSA Credentialing	---	(100,000)	---	---	(-100,000)
Registered Traveler	---	(20,000)	---	---	(-20,000)
HAZMAT	---	(50,000)	---	---	(-50,000)
Alien Flight School (By transfer)	---	(10,000)	---	---	(-10,000)
Total, Office of Screening Coordination Operations	---	(705,526)	---	---	(-705,526)
Appropriations	---	(525,526)	---	---	(-525,526)
(Fee funded programs)	---	(180,000)	---	---	(-180,000)
Customs and Border Protection					
Salaries and expenses	1,172,838	---	---	-1,172,838	---
Salaries and expenses:					
Management and administration, border security inspections and trade facilitation	---	656,826	656,826	+656,826	---
Management and administration, border security and control between port of entry	---	593,207	593,207	+593,207	---
Subtotal, Headquarters management and administration	1,172,838	1,250,033	1,250,033	+77,195	---
Border security inspections and trade facilitation:					
Inspections, trade, and travel facilitation at ports of entry	1,242,800	1,274,994	1,274,994	+32,194	---
Harbor maintenance fee collection (trust fund)	3,000	3,000	3,000	---	---
Container security initiative	126,096	138,790	138,790	+12,694	---
Other international programs	57,300	8,629	8,629	-48,671	---
Customs trade partnership against terrorism/ Free and secure trade	37,828	54,268	54,268	+16,440	---
Inspection and detection technology investments	145,159	188,024	188,024	+42,865	---
Automated targeting systems	29,800	28,253	28,253	-1,547	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Targeting Center	16,100	16,697	16,697	+597	---
Other technology investments, including information technology	1,000	1,018	1,018	+18	---
Training	23,800	24,351	24,351	+551	---
Subtotal, Border security inspections and trade facilitation	1,682,883	1,738,024	1,738,024	+55,141	---
Border security and control between ports of entry:					
Border security and control	1,413,800	1,464,989	1,614,989	+201,189	+150,000
Air program operations	37,300	57,971	57,971	+20,671	---
Unmanned aerial vehicles	10,000	10,180	10,180	+180	---
America Shield Initiative (ASI) procurement	64,162	51,084	51,084	-13,078	---
Training	21,700	22,203	22,203	+503	---
Subtotal, Border security and control between ports of entry	1,546,962	1,606,427	1,756,427	+209,465	+150,000
Air and marine operations, personnel compensation and benefits	131,436	136,060	141,060	+9,624	+5,000
Subtotal, Salaries and expenses (gross)	4,534,119	4,730,544	4,885,544	+351,425	+155,000
Appropriations	(4,534,119)	(4,730,544)	(4,885,544)	(+351,425)	(+155,000)
Rescission (P.L. 108-11)	(-63,010)	---	---	(+63,010)	---
Subtotal, Salaries and expenses (net)	4,471,109	4,730,544	4,885,544	+414,435	+155,000
Automation modernization:					
Automated commercial environment/International Trade Data System (ITDS)	321,690	321,690	321,690	---	---
Automated commercial system and legacy IT costs	128,219	136,319	136,319	+8,100	---
Subtotal, Automation modernization	449,909	458,009	458,009	+8,100	---
Air and marine operations:					
Operations and maintenance	196,535	230,682	240,682	+44,147	+10,000
Procurement	61,000	62,098	107,098	+46,098	+45,000
Subtotal, Air and marine operations	257,535	292,780	347,780	+90,245	+55,000
Construction:					
Construction (Border patrol)	91,718	93,418	93,418	+1,700	---
Total, Direct appropriations	5,270,271	5,574,751	5,784,751	+514,480	+210,000
Fee accounts:					
Immigration inspection user fee	(429,000)	(464,816)	(464,816)	(+35,816)	---
Immigration enforcement fines	(6,000)	(6,403)	(6,403)	(+403)	---
Land border inspection fee	(28,000)	(29,878)	(29,878)	(+1,878)	---
COBRA passenger inspection fee	(318,000)	(334,000)	(334,000)	(+16,000)	---
APHIS inspection fee	(204,000)	(204,000)	(204,000)	---	---
Puerto Rico collections	(89,000)	(97,815)	(97,815)	(+8,815)	---
Small airport user fees	(5,004)	(5,234)	(5,234)	(+230)	---
Subtotal, fee accounts	(1,079,004)	(1,142,146)	(1,142,146)	(+63,142)	---
Total, Customs and Border Protection	(6,349,275)	(6,716,897)	(6,926,897)	(+577,622)	(+210,000)
Appropriations	(5,333,281)	(5,574,751)	(5,784,751)	(+451,470)	(+210,000)
Rescission	(-63,010)	---	---	(+63,010)	---
(Fee accounts)	(1,079,004)	(1,142,146)	(1,142,146)	(+63,142)	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Immigration and Customs Enforcement					
Salaries and expenses:					
Headquarters Management and Administration (non-Detention and Removal Operations):					
Personnel compensation and benefits, service and other costs	96,202	277,572	277,572	+181,370	---
Headquarters managed IT investment	120,119	134,571	134,571	+14,452	---
Subtotal, Headquarters management and administration	216,321	412,143	412,143	+195,822	---
Investigations:					
Operations	1,055,345	1,215,916	1,253,716	+198,371	+37,800
Training	15,671	17,932	17,932	+2,261	---
Subtotal, Investigations	1,071,016	1,233,848	1,271,648	+200,632	+37,800
Intelligence:					
Headquarters Reporting Center	4,882	4,988	4,988	+106	---
Operations/Operations Center	55,130	56,834	56,834	+1,704	---
Subtotal, Intelligence	60,012	61,822	61,822	+1,810	---
Detention and removal operations:					
Custody management	504,221	600,160	690,160	+185,939	+90,000
Case management	192,269	166,277	166,277	-25,992	---
Fugitive operations	35,242	103,255	119,255	+84,013	+16,000
Institutional removal program	33,719	70,104	88,104	+54,385	+18,000
Alternatives to detention	14,202	33,406	43,406	+29,204	+10,000
Transportation and removal program	311,492	211,266	211,266	-100,226	---
Subtotal, Detention and removal operations	1,091,145	1,184,468	1,318,468	+227,323	+134,000
Subtotal, Salaries and expenses	2,438,494	2,892,281	3,064,081	+625,587	+171,800
Appropriations	(2,438,494)	(2,892,281)	(3,064,081)	(+625,587)	(+171,800)
Emergency appropriations	---	---	---	---	---
Federal air marshals:					
Management and administration	593,552	616,927	626,927	+33,375	+10,000
Travel and training	69,348	71,933	71,933	+2,585	---
Subtotal, Federal air marshals	662,900	688,860	698,860	+35,960	+10,000
Federal protective service:					
Basic security	106,362	109,235	109,235	+2,873	---
Building specific security (including capital equipment replacement/acquisition)	371,638	377,765	377,765	+6,127	---
Subtotal	478,000	487,000	487,000	+9,000	---
Offsetting fee collections	-478,000	-487,000	-487,000	-9,000	---
Automation modernization:					
ATLAS/CHIMERA IT connectivity	39,605	40,150	40,150	+545	---
Construction	26,179	26,546	26,546	+367	---
Total, Direct appropriations	3,167,178	3,647,837	3,829,637	+662,459	+181,800
Fee accounts:					
Immigration inspection user fee	(90,000)	(91,621)	(91,621)	(+1,621)	---
Breached bond/detention fund	(70,000)	(71,260)	(71,260)	(+1,260)	---
Student exchange and visitor fee	(40,000)	(66,552)	(66,552)	(+26,552)	---
Subtotal, fee accounts	(200,000)	(229,433)	(229,433)	(+29,433)	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Immigration and Customs Enforcement (gross)	(3,845,178)	(4,364,270)	(4,546,070)	(+700,892)	(+181,800)
Offsetting fee collections	(-478,000)	(-487,000)	(-487,000)	(-9,000)	---
Total, Immigration and Customs Enforcement	(3,367,178)	(3,877,270)	(4,059,070)	(+691,892)	(+181,800)
Appropriations	(3,167,178)	(3,647,837)	(3,829,637)	(+662,459)	(+181,800)
(Fee accounts)	(200,000)	(229,433)	(229,433)	(+29,433)	---
Transportation Security Administration					
Aviation security:					
Screener operations:					
Screener workforce:					
Privatized screening	129,654	146,151	139,654	+10,000	-6,497
Passenger screener - personnel, compensation, and benefits	1,445,486	1,590,969	1,520,000	+74,514	-70,969
Baggage screener - personnel, compensation, and benefits	848,860	931,864	884,000	+35,140	-47,864
Subtotal, Sceener workforce	2,424,000	2,668,984	2,543,654	+119,654	-125,330
Screening training and other:					
Passenger screeners, other	140,614	---	20,952	-119,662	+20,952
Baggage screeners, other	203,660	---	---	-203,660	---
Screener training	---	91,004	85,004	+85,004	-6,000
Screener other	---	170,246	126,294	+126,294	-43,952
Subtotal, Screening training and other	344,274	261,250	232,250	-112,024	-29,000
Human resource services	150,000	207,234	207,234	+57,234	---
CAPPS II	34,919	---	---	-34,919	---
Crew vetting	10,000	---	---	-10,000	---
Registered traveler	15,000	---	---	-15,000	---
Checkpoint support	123,500	157,461	157,461	+33,961	---
EDS/ETD Systems:					
Purchase	180,000	130,000	170,000	-10,000	+40,000
Installation	45,000	14,000	75,000	+30,000	+61,000
Maintenance	174,940	200,000	200,000	+25,060	---
Operation integration	---	23,000	23,000	+23,000	---
Subtotal, EDS/ETD Systems	399,940	367,000	468,000	+68,060	+101,000
Subtotal, Screening operations	3,501,633	3,661,929	3,608,599	+106,966	-53,330
Aviation direction and enforcement:					
Aviation regulation and other enforcement	230,000	238,196	222,416	-7,584	-15,780
Airport management, IT, and support	526,890	758,370	655,597	+128,707	-102,773
FFDO and flight crew training	25,000	36,289	29,000	+4,000	-7,289
Air cargo	40,000	40,000	60,000	+20,000	+20,000
Airport perimeter security	---	---	10,000	+10,000	+10,000
Foreign repair stations	---	---	6,000	+6,000	+6,000
Subtotal, Aviation direction and enforcement	821,890	1,072,855	983,013	+161,123	-89,842
Flight school checks (by transfer)	(9,700)	---	---	(-9,700)	---
Subtotal, Aviation security (gross)	4,323,523	4,734,784	4,591,612	+268,089	-143,172
Offsetting fee collections	-1,823,000	-3,670,000	-1,990,000	-167,000	+1,680,000
Total, Aviation security (net)	2,500,523	1,064,784	2,601,612	+101,089	+1,536,828
Surface transportation security:					
Staffing and operations	24,000	---	---	-24,000	---
Surface transportation security staffing	---	24,000	---	---	-24,000
Enterprise staffing	---	---	24,000	+24,000	+24,000
Transfer to credentialing activities	-27,000	---	---	+27,000	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TWIC	15,000	---	---	-15,000	---
Credentialing start-up	5,000	---	---	-5,000	---
Hazardous materials security	17,000	---	---	-17,000	---
Hazardous materials truck tracking/training	2,000	---	4,000	+2,000	+4,000
Rail security (inspectors)	12,000	8,000	8,000	-4,000	---
Subtotal, Surface transportation security	48,000	32,000	36,000	-12,000	+4,000
Credentialing activities	67,000	---	---	-67,000	---
Offsetting fee collections	-67,000	---	---	+67,000	---
Transportation Vetting and Credentialing:					
SecureFlight	---	---	65,994	+65,994	+65,994
Crew vetting	---	---	13,300	+13,300	+13,300
Screening administration and operations	---	---	5,000	+5,000	+5,000
Total, Direct appropriations	---	---	84,294	+84,294	+84,294
Fee accounts:					
Registered Traveler Program fees	---	---	(20,000)	(+20,000)	(+20,000)
TWIC fees	---	---	(100,000)	(+100,000)	(+100,000)
HAZMAT fees	---	---	(50,000)	(+50,000)	(+50,000)
Alien Flight School (by transfer from DOJ) - fees	---	---	(10,000)	(+10,000)	(+10,000)
Subtotal, fee accounts	---	---	(180,000)	(+180,000)	(+180,000)
Subtotal, Transportation Vetting and Credentialing (gross)	---	---	(264,294)	(+264,294)	(+264,294)
Transportation security support:					
Intelligence	14,000	21,000	21,000	+7,000	---
Administration:					
Headquarters administration	267,382	302,781	309,916	+42,534	+7,135
Mission support centers	5,000	3,051	---	-5,000	-3,051
Information technology	240,470	210,092	210,092	-30,378	---
Corporate training	7,000	8,084	---	-7,000	-8,084
Subtotal, Administration	519,852	524,008	520,008	+156	-4,000
Research and development:					
Research and development at Tech Center	49,000	---	---	-49,000	---
Next generation explosive detection systems and explosive trace detection	54,000	---	---	-54,000	---
Air cargo	75,000	---	---	-75,000	---
Subtotal, Research and development	178,000	---	---	-178,000	---
Subtotal, Transportation security support	711,852	545,008	541,008	-170,844	-4,000
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
Total, Transportation Security Administration (gross)	5,333,375	5,561,792	5,682,914	+349,539	+121,122
Offsetting fee collections	-1,890,000	-3,670,000	-1,990,000	-100,000	+1,680,000
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
Fee accounts	---	---	(180,000)	(+180,000)	(+180,000)
Total, Transportation Security Administration (net)	3,260,375	1,641,792	3,262,914	+2,539	+1,621,122
United States Coast Guard					
Operating expenses:					
Military pay and allowances	2,807,827	3,011,130	3,009,550	+201,723	-1,580
Civilian pay and benefits	456,110	535,836	531,811	+75,701	-4,025
Training and recruiting	161,441	178,212	178,212	+16,771	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Operating funds and unit level maintenance	924,125	985,309	967,414	+43,289	-17,895
Centrally managed accounts	175,438	193,936	193,936	+18,498	---
Coast Guard watch standards	9,000	---	---	-9,000	---
Intermediate and depot level maintenance	623,279	642,977	642,977	+19,698	---
Emergency appropriations (P.L. 108-324)	33,367	---	---	-33,367	---
Unspecified reduction	---	---	-23,900	-23,900	-23,900
Subtotal, Operating expenses	5,190,587	5,547,400	5,500,000	+309,413	-47,400
Less adjustment for defense function	-1,204,000	-340,000	-1,200,000	+4,000	-860,000
Defense function	1,204,000	340,000	1,200,000	-4,000	+860,000
Subtotal, Operating expenses	5,190,587	5,547,400	5,500,000	+309,413	-47,400
Appropriations	(3,953,220)	(5,207,400)	(4,300,000)	(+346,780)	(-907,400)
Defense function	(1,204,000)	(340,000)	(1,200,000)	(-4,000)	(+860,000)
Emergency appropriations	(33,367)	---	---	(-33,367)	---
Environmental compliance and restoration	17,000	12,000	12,000	-5,000	---
Reserve training	113,000	119,000	119,000	+6,000	---
Acquisition, construction, and improvements:					
Vessels:					
Great Lakes Icebreaker (GLIB) replacement	7,750	---	---	-7,750	---
Response boat medium (41ft UTB and NSB replacement)	12,000	22,000	22,000	+10,000	---
Subtotal, Vessels	19,750	22,000	22,000	+2,250	---
Aircraft:					
Armed helicopter equipment (Phase I) (legacy asset)	2,500	19,902	19,902	+17,402	---
Covert surveillance aircraft	---	---	10,000	+10,000	+10,000
C-130J Missionization	---	5,000	---	---	-5,000
Subtotal, Aircraft	2,500	24,902	29,902	+27,402	+5,000
Other equipment:					
Automatic identification system	24,000	29,100	29,100	+5,100	---
National distress and response system modernization (Rescue 21)	134,000	101,000	91,000	-43,000	-10,000
HF Recap	---	10,000	10,000	+10,000	---
Rescission (P.L. 108-90)	-16,000	---	---	+16,000	---
Subtotal, Other equipment	142,000	140,100	130,100	-11,900	-10,000
Personnel compensation and benefits:					
Core acquisition costs	500	500	500	---	---
Direct personnel cost	72,500	75,950	75,950	+3,450	---
Subtotal, Personnel compensation and benefits	73,000	76,450	76,450	+3,450	---
Integrated deepwater systems:					
Aircraft:					
Aircraft, other	86,250	125,900	---	-86,250	-125,900
HH-65 re-engining	99,000	133,100	---	-99,000	-133,100
Subtotal, Aircraft	185,250	259,000	---	-185,250	-259,000
Surface ships	364,300	522,400	---	-364,300	-522,400
C4ISR	53,600	74,400	---	-53,600	-74,400
Logistics	39,800	25,200	---	-39,800	-25,200
Systems engineering and integration	43,000	45,000	---	-43,000	-45,000
Government program management	38,000	40,000	---	-38,000	-40,000
Miscellaneous	---	---	500,000	+500,000	+500,000
Subtotal, Integrated deepwater systems	723,950	966,000	500,000	-223,950	-466,000
Shore facilities and aids to navigation:					
Shore operational and support projects	1,000	5,000	5,000	+4,000	---
Shore construction projects	1,600	3,000	3,000	+1,400	---
Small arms range at ISC Honolulu, HI	1,600	---	---	-1,600	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Renovate USCGA Chase Hall Barrack, Phase I....	---	15,000	15,000	+15,000	---
Replace multi-purpose building - Group Long Island Sound.....	---	10,000	10,000	+10,000	---
Construct breakwater - Station Neah Bay.....	---	2,800	2,800	+2,800	---
Waterways aids to navigation infrastructure...	800	3,900	3,900	+3,100	---
Subtotal, Shore facilities and aids to navigation.....	5,000	39,700	39,700	+34,700	---
Subtotal, Acquisition, construction, and improvements (net).....	966,200	1,269,152	798,152	-168,048	-471,000
Appropriations.....	(982,200)	(1,269,152)	(798,152)	(-184,048)	(-471,000)
Rescissions.....	(-16,000)	---	---	(+16,000)	---
Alteration of bridges.....	15,900	---	15,000	-900	+15,000
Research, development, test, and evaluation.....	18,500	---	---	-18,500	---
Subtotal, U.S. Coast Guard discretionary.....	6,321,187	6,947,552	6,444,152	+122,965	-503,400
Retired pay (mandatory).....	1,085,460	1,014,080	1,014,080	-71,380	---
Total, United States Coast Guard.....	7,406,647	7,961,632	7,458,232	+51,585	-503,400
Appropriations.....	(7,389,280)	(7,961,632)	(7,458,232)	(+68,952)	(-503,400)
Emergency appropriations.....	(33,367)	---	---	(-33,367)	---
Rescissions.....	(-16,000)	---	---	(+16,000)	---
United States Secret Service					
Salaries and expenses:					
Protection:					
Protection of persons and facilities.....	571,640	572,232	583,652	+12,012	+11,420
National special security event fund.....	5,000	5,000	10,000	+5,000	+5,000
Protective intelligence activities.....	53,989	55,561	57,061	+3,072	+1,500
White House mail screening.....	16,365	16,365	16,365	---	---
Subtotal, Protection.....	646,994	649,158	667,078	+20,084	+17,920
Field operations:					
Domestic field operations.....	221,489	238,888	238,888	+17,399	---
International field office administration, operations and training.....	19,208	19,768	22,168	+2,960	+2,400
Electronic crimes special agent program and electronic crimes task forces.....	34,536	35,600	43,600	+9,064	+8,000
Subtotal, Field operations.....	275,233	294,256	304,656	+29,423	+10,400
Administration:					
Headquarters, management and administration...	197,747	203,232	203,232	+5,485	---
National Center for Missing and Exploited Children.....	7,100	7,100	7,678	+578	+578
Subtotal, Administration.....	204,847	210,332	210,910	+6,063	+578
Training:					
Rowley training center.....	45,051	46,337	46,337	+1,286	---
Subtotal, Salaries and expenses.....	1,172,125	1,200,083	1,228,981	+56,856	+28,898
Operating expenses (rescission) (P.L. 108-11).....	-750	---	---	+750	---
Acquisition, construction, improvements and related expenses (Rowley training center).....	3,633	3,699	3,699	+66	---
Total, United States Secret Service.....	1,175,008	1,203,782	1,232,680	+57,672	+28,898

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title II, Security, Enforcement, and Investigations:					
New budget (obligational) authority	20,629,096	20,565,937	21,990,063	+1,360,967	+1,424,126
Appropriations	(20,675,489)	(20,565,937)	(21,990,063)	(+1,314,574)	(+1,424,126)
Emergency appropriations	(33,367)	---	---	(-33,367)	---
Rescission	(-79,760)	---	---	(+79,760)	---
TITLE III - PREPAREDNESS AND RECOVERY					
Office of State and Local Government Coordination and Preparedness					
Management and administration	3,546	---	3,546	---	+3,546
State and local programs:					
Salaries and expenses	---	3,546	---	---	-3,546
State and local basic formula grants	1,100,000	---	750,000	-350,000	+750,000
State Homeland Seurity Grant Program:					
State and local basic formula grants	---	1,020,000	---	---	-1,020,000
Emergency management performance grants	---	170,000	---	---	-170,000
Citizen Corps	---	50,000	---	---	-50,000
Subtotal, State Homeland Security Grant Pgm	---	1,240,000	---	---	-1,240,000
Law enforcement terrorism prevention grants	400,000	---	400,000	---	+400,000
Urban area security initiative:					
High-threat, high-density urban area	885,000	1,020,000	850,000	-35,000	-170,000
Targeted infrastructure protection	---	600,000	---	---	-600,000
Buffer Zone Protection Program	---	---	50,000	+50,000	+50,000
Port security grants	150,000	---	150,000	---	+150,000
Rail and transit security	150,000	---	150,000	---	+150,000
Trucking security grants	5,000	---	5,000	---	+5,000
Intercity bus security grants	10,000	---	10,000	---	+10,000
Subtotal, Urban area security initiative	1,200,000	1,620,000	1,215,000	+15,000	-405,000
Commercial equipment direct assistance program	50,000	---	50,000	---	+50,000
National programs:					
National domestic preparedness consortium	135,000	80,000	125,000	-10,000	+45,000
National exercise program	52,000	52,000	52,000	---	---
Technical assistance	30,000	7,600	20,000	-10,000	+12,400
Metropolitan medical response system	30,000	---	40,000	+10,000	+40,000
Demonstration training grants	30,000	---	35,000	+5,000	+35,000
Continuing training grants	25,000	3,010	30,000	+5,000	+26,990
Citizen Corps	15,000	---	40,000	+25,000	+40,000
Evaluations and assessments	14,300	14,300	14,300	---	---
Rural domestic preparedness consortium	5,000	---	10,000	+5,000	+10,000
Subtotal, National programs	336,300	156,910	366,300	+30,000	+209,390
Management and administration	---	44,300	---	---	-44,300
Subtotal, State and local programs	3,086,300	3,064,756	2,781,300	-305,000	-283,456
Firefighter assistance grants	650,000	---	---	-650,000	---
Fire department staffing assistance grants:					
Grants	---	500,000	550,000	+550,000	+50,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act	65,000	---	50,000	-15,000	+50,000
Subtotal, Firefighter assistance grants	715,000	500,000	600,000	-115,000	+100,000
Emergency Management Performance Grants	180,000	---	180,000	---	+180,000
Total, Office of State and Local Government Coordination and Preparedness	3,984,846	3,564,756	3,564,846	-420,000	+90

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Counterterrorism Fund					
Counterterrorism fund	8,000	10,000	10,000	+2,000	---
Emergency Preparedness and Response					
Office of the Under Secretary for Emergency Preparedness and Response	4,211	4,306	2,306	-1,905	-2,000
Preparedness, mitigation, response and recovery:					
Operating activities	209,499	228,499	242,499	+33,000	+14,000
Urban search and rescue teams	30,000	7,000	7,000	-23,000	---
Subtotal, Preparedness, mitigation, response and recovery	239,499	235,499	249,499	+10,000	+14,000
Operating expenses (rescission)	-5,000	---	---	+5,000	---
Administrative and regional operations	202,939	170,441	177,441	-25,498	+7,000
Defense function	---	48,000	48,000	+48,000	---
Subtotal, Administrative and regional operations	202,939	218,441	225,441	+22,502	+7,000
Public health programs:					
National disaster medical system	34,000	34,000	34,000	---	---
Subtotal, Public health programs	34,000	34,000	34,000	---	---
Radiological emergency preparedness program	-1,000	-1,266	-1,266	-266	---
Biodefense countermeasures:					
Advance appropriations, FY 2005 (P.L. 108-324)	2,507,776	---	---	-2,507,776	---
Subtotal, Biodefense countermeasures	2,507,776	---	---	-2,507,776	---
Disaster relief	2,042,380	2,140,000	2,023,900	-18,480	-116,100
Emergency appropriations (P.L. 108-324)	6,500,000	---	---	-6,500,000	---
Subtotal, Disaster Relief	8,542,380	2,140,000	2,023,900	-6,518,480	-116,100
Disaster assistance direct loan program account:					
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
Administrative expenses	567	567	567	---	---
Flood map modernization fund	200,000	200,068	200,000	---	-68
National flood insurance fund:					
Salaries and expenses	33,336	36,496	36,496	+3,160	---
Severe reptitive loss mitigation	---	---	40,000	+40,000	+40,000
Repetitive loss mitigation	---	---	10,000	+10,000	+10,000
Flood mitigation	79,257	87,358	99,358	+20,101	+12,000
Offsetting fee collections	-112,593	-123,854	-185,854	-73,261	-62,000
(Transfer to National flood mitigation fund)	(-20,000)	(-28,000)	(-40,000)	(-20,000)	(-12,000)
National flood mitigation fund (by transfer)	(20,000)	(28,000)	(40,000)	(+20,000)	(+12,000)
National pre-disaster mitigation fund	100,000	150,062	150,000	+50,000	-62
Emergency food and shelter	153,000	153,000	153,000	---	---
Total, Emergency Preparedness and Response (net)	11,978,372	3,134,677	3,037,447	-8,940,925	-97,230
Appropriations	(2,975,596)	(3,134,677)	(3,037,447)	(+61,851)	(-97,230)
Rescission	(-5,000)	---	---	(+5,000)	---
Emergency appropriations	(6,500,000)	---	---	(-6,500,000)	---
Advance appropriations	(2,507,776)	---	---	(-2,507,776)	---
Total, title III, Preparedness and Recovery:					
New budget (obligational) authority	15,971,218	6,709,433	6,612,293	-9,358,925	-97,140
Appropriations	(6,968,442)	(6,709,433)	(6,612,293)	(-356,149)	(-97,140)
Advance appropriations	(2,507,776)	---	---	(-2,507,776)	---
Emergency appropriations	(6,500,000)	---	---	(-6,500,000)	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescissions	(-5,000)	---	---	(+5,000)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out)	(-20,000)	(-28,000)	(-40,000)	(-20,000)	(-12,000)
(By transfer)	(20,000)	(28,000)	(40,000)	(+20,000)	(+12,000)
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES					
Citizenship and Immigration Services					
Backlog reduction initiative:					
Contracting services	120,000	70,000	70,000	-50,000	---
Other	20,000	10,000	10,000	-10,000	---
Digitization	20,000	---	40,000	+20,000	+40,000
Subtotal, Backlog reduction initiative	160,000	80,000	120,000	-40,000	+40,000
Adjudication services (fee account):					
Pay and benefits	(580,000)	(607,000)	(607,000)	(+27,000)	---
Operating expenses:					
District operations	(293,000)	(389,000)	(389,000)	(+96,000)	---
Service center operations	(233,000)	(260,000)	(260,000)	(+27,000)	---
Asylum, refugee and international operations	(73,000)	(74,000)	(74,000)	(+1,000)	---
Records operations	(65,000)	(66,000)	(66,000)	(+1,000)	---
Subtotal, Adjudication services	(1,244,000)	(1,396,000)	(1,396,000)	(+152,000)	---
Information and customer services (fee account):					
Pay and benefits	(78,000)	(80,000)	(80,000)	(+2,000)	---
Operating expenses:					
National Customer Service Center	(46,000)	(47,000)	(47,000)	(+1,000)	---
Information services	(14,000)	(14,000)	(14,000)	---	---
Subtotal, Information and customer services	(138,000)	(141,000)	(141,000)	(+3,000)	---
Administration (fee account):					
Pay and benefits	(43,000)	(44,000)	(44,000)	(+1,000)	---
Operating expenses	(190,000)	(193,000)	(193,000)	(+3,000)	---
Subtotal, Administration	(233,000)	(237,000)	(237,000)	(+4,000)	---
Total, Citizenship and Immigration Services	(1,775,000)	(1,854,000)	(1,894,000)	(+119,000)	(+40,000)
Appropriations	(160,000)	(80,000)	(120,000)	(-40,000)	(+40,000)
(Immigration Examination Fee Account)	(1,571,000)	(1,730,000)	(1,730,000)	(+159,000)	---
(H-1B and L Fraud Prevention and Detection Fee Account)	(31,000)	(31,000)	(31,000)	---	---
(H-1B Non-Immigrant Petitioner Fee Account)	(13,000)	(13,000)	(13,000)	---	---
Federal Law Enforcement Training Center					
Salaries and expenses:					
Salaries and expenses	177,440	183,362	194,000	+16,560	+10,638
Subtotal, Salaries and expenses	177,440	183,362	194,000	+16,560	+10,638
Acquisition, Construction, Improvements and Related expenses:					
Direct appropriation	44,917	40,636	64,743	+19,826	+24,107
Subtotal, Acquisition, Construction and Related Expenses	44,917	40,636	64,743	+19,826	+24,107
Total, Federal Law Enforcement Training Center	222,357	223,998	258,743	+36,386	+34,745

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Information Analysis and Infrastructure Protection					
Management and administration:					
Office of the Under Secretary for Information Analysis and Infrastructure Protection	5,864	6,878	6,878	+1,014	---
Other salaries and expenses	126,200	197,127	191,322	+65,122	-5,805
Subtotal, Management and administration	132,064	204,005	198,200	+66,136	-5,805
Assessments and evaluations:					
Critical infrastructure outreach and partnerships	106,592	67,177	62,177	-44,415	-5,000
Critical infrastructure identification and evaluation	77,861	72,173	77,173	-688	+5,000
National Infrastructure Simulation and Analysis Center (NISAC)	20,000	16,000	16,000	-4,000	---
Protective actions	191,647	91,399	91,399	-100,248	---
Biosurveillance	11,000	11,147	10,147	-853	-1,000
Cyber security	67,380	73,349	73,349	+5,969	---
NS-EP Telecommunications	140,754	142,632	142,632	+1,878	---
Competitive analysis and evaluation	4,000	---	---	-4,000	---
Threat determination and assessment	21,943	19,900	19,900	-2,043	---
Infrastructure vulnerability and risk assessment	71,080	74,347	74,347	+3,267	---
Evaluation and studies	14,387	34,526	34,526	+20,139	---
Homeland Security Operations Center (HSOC)	35,000	61,108	56,108	+21,108	-5,000
Information Sharing and Collaboration	---	5,482	5,482	+5,482	---
Subtotal, Assessments and evaluations	761,644	669,240	663,240	-98,404	-6,000
Total, Information Analysis and Infrastructure Protection	893,708	873,245	861,440	-32,268	-11,805
Science and Technology					
Management and administration:					
Office of the Under Secretary for Science and Technology	6,315	---	---	-6,315	---
Other salaries and expenses	62,271	81,399	81,399	+19,128	---
Subtotal, Management and administration	68,586	81,399	81,399	+12,813	---
Research, development, acquisition, and operations:					
Biological countermeasures:					
Operating expenses	362,650	23,300	21,000	-341,650	-2,300
Defense function	---	339,000	339,000	+339,000	---
Subtotal, Biological countermeasures	362,650	362,300	360,000	-2,650	-2,300
Chemical countermeasures	53,000	102,000	90,000	+37,000	-12,000
High explosives countermeasures	19,700	14,700	54,700	+35,000	+40,000
Threat and vulnerability, testing and assessment	65,800	47,000	47,000	-18,800	---
Conventional missions in support of DHS	54,650	93,650	80,000	+25,350	-13,650
Technology development and transfer	---	---	10,000	+10,000	+10,000
Rapid prototyping program	76,000	20,900	30,000	-46,000	+9,100
Standards	39,700	35,500	35,500	-4,200	---
Emerging threats	10,750	10,500	10,500	-250	---
Critical infrastructure protection	27,000	20,800	35,800	+8,800	+15,000
University programs/homeland security fellowship	70,000	63,600	63,600	-6,400	---
National Biodefense Analysis and Countermeasures Center construction	35,000	---	---	-35,000	---
Counter MANPADs	61,000	110,000	110,000	+49,000	---
Safety act	10,000	5,600	10,000	---	+4,400
Cyber security	18,000	16,700	16,700	-1,300	---
Interoperability and communications	21,000	---	---	-21,000	---
Office of interoperability and compatibility	---	20,500	41,500	+41,500	+21,000
Research and development consolidation	---	116,897	116,897	+116,897	---
Radiological and nuclear countermeasures	122,614	19,086	19,086	-103,528	---

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Domestic nuclear detection office	---	227,314	127,314	+127,314	-100,000
Subtotal, Research, development, acquisition, and operations	1,046,864	1,287,047	1,258,597	+211,733	-28,450
Total, Science and Technology	1,115,450	1,368,446	1,339,996	+224,546	-28,450
Total, title IV, Research and Development, Training Assessments, and Services:					
New budget (obligational) authority	2,391,515	2,545,689	2,580,179	+188,664	+34,490
TITLE V - GENERAL PROVISIONS					
Sec. 526:					
Rescission, 110-to-123 Conversions (P.L.108-90 and P.L. 108-334)	---	---	-84,000	-84,000	-84,000
110ft Island Class Patrol Boat procurement or refurbishment	---	---	84,000	+84,000	+84,000
Sec. 531:					
Rescission, Working Capital Fund	---	---	-7,000	-7,000	-7,000
Total, title V, General Provisions:					
New budget (obligational) authority	---	---	-7,000	-7,000	-7,000
Grand total, Department of Homeland Security:					
New budget (obligational) authority	39,598,603	30,568,748	31,860,080	-7,738,523	+1,291,332
Appropriations	(30,642,220)	(30,568,748)	(31,951,080)	(+1,308,860)	(+1,382,332)
Advance appropriations	(2,507,776)	---	---	(-2,507,776)	---
Emergency appropriations	(6,533,367)	---	---	(-6,533,367)	---
Rescissions	(-84,760)	---	(-91,000)	(-6,240)	(-91,000)
Fee funded programs	(2,894,004)	(3,325,579)	(3,325,579)	(+431,575)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out)	(-20,000)	(-28,000)	(-40,000)	(-20,000)	(-12,000)
(By transfer)	(20,000)	(28,000)	(40,000)	(+20,000)	(+12,000)

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Less emergency appropriations	-6,533,367	---	---	+6,533,367	---
Total, scorekeeping adjustments	-6,533,367	---	---	+6,533,367	---
Total (including adjustments)	33,065,236	30,568,748	31,860,080	-1,205,156	+1,291,332
Amount in this bill	(39,598,603)	(30,568,748)	(31,860,080)	(-7,738,523)	(+1,291,332)
Scorekeeping adjustments	(-6,533,367)	---	---	(+6,533,367)	---
Total mandatory and discretionary	33,065,236	30,568,748	31,860,080	-1,205,156	+1,291,332
Mandatory	(1,085,460)	(1,014,080)	(1,014,080)	(-71,380)	---
Discretionary	(31,979,776)	(29,554,668)	(30,846,000)	(-1,133,776)	(+1,291,332)
Discretionary Function Recap:					
Non-defense	30,775,776	28,827,668	29,259,000	-1,516,776	+431,332
Defense	1,204,000	727,000	1,587,000	+383,000	+860,000
Total	31,979,776	29,554,668	30,846,000	-1,133,776	+1,291,332

Homeland Security Appropriations Act - FY 2006 (H.R. 2360)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HOMELAND SECURITY SUMMARY					
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Departmental operations	524,457	664,672	601,528	+77,071	-63,144
Office of Inspector General	82,317	83,017	83,017	+700	---
Total, title I	606,774	747,689	684,545	+77,771	-63,144
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
Office of the Under Secretary for Border and Transportation Security	9,617	10,617	10,617	+1,000	---
U.S. Visitor and Immigrant Status Indication Techology	340,000	---	---	-340,000	---
Automation Modernization	---	---	411,232	+411,232	+411,232
Office of Screening Coordination Operations	---	525,526	---	---	-525,526
Customs and border protection	6,349,275	6,716,897	6,926,897	+577,622	+210,000
Direct appropriations	(5,333,281)	(5,574,751)	(5,784,751)	(+451,470)	(+210,000)
Fee accounts	(1,079,004)	(1,142,146)	(1,142,146)	(+63,142)	---
Immigration and customs enforcement	3,367,178	3,877,270	4,059,070	+691,892	+181,800
Direct appropriations	(3,645,178)	(4,134,837)	(4,316,637)	(+671,459)	(+181,800)
Offsetting fee collections	(-478,000)	(-487,000)	(-487,000)	(-9,000)	---
Fee accounts	(200,000)	(229,433)	(229,433)	(+29,433)	---
Transportation Security Administration	3,260,375	1,641,792	3,262,914	+2,539	+1,621,122
Direct appropriations	(5,083,375)	(5,311,792)	(5,432,914)	(+349,539)	(+121,122)
Offsetting fee collections	(-1,890,000)	(-3,670,000)	(-1,990,000)	(-100,000)	(+1,680,000)
United States Coast Guard	7,406,647	7,961,632	7,458,232	+51,585	-503,400
United States Secret Service	1,175,008	1,203,782	1,232,680	+57,672	+28,898
TOTAL, title II, direct appropriations	20,629,096	20,565,937	21,990,063	+1,360,967	+1,424,126
TITLE III - PREPAREDNESS AND RECOVERY					
Office of State and Local Government Coordination and Preparedness	3,984,846	3,564,756	3,564,846	-420,000	+90
Counterterrorism fund	8,000	10,000	10,000	+2,000	---
Emergency preparedness and response	11,978,372	3,134,677	3,037,447	-8,940,925	-97,230
Direct appropriations	(2,975,596)	(3,134,677)	(3,037,447)	(+61,851)	(-97,230)
Emergency appropriations	(6,500,000)	---	---	(-6,500,000)	---
Offsetting fee collections	(-112,593)	(-123,854)	(-185,854)	(-73,261)	(-62,000)
Biodefense countermeasures advance appropriations	(2,507,776)	---	---	(-2,507,776)	---
Total, title III	15,971,218	6,709,433	6,612,293	-9,358,925	-97,140
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES					
Citizenship and immigration services	1,775,000	1,854,000	1,894,000	+119,000	+40,000
Direct appropriations	(160,000)	(80,000)	(120,000)	(-40,000)	(+40,000)
Fee accounts	(1,615,000)	(1,774,000)	(1,774,000)	(+159,000)	---
Federal law enforcement training center	222,357	223,998	258,743	+36,386	+34,745
Information analysis and infrastructure protection	893,708	873,245	861,440	-32,268	-11,805
Science and technology	1,115,450	1,368,446	1,339,996	+224,546	-28,450
Total, title IV, direct appropriations	2,391,515	2,545,689	2,580,179	+188,664	+34,490
TITLE V - GENERAL PROVISIONS					
General provisions	---	---	-7,000	-7,000	-7,000
Total, title V, General provisions	---	---	-7,000	-7,000	-7,000
Scorekeeping adjustments	-6,533,367	---	---	+6,533,367	---
TOTAL, DEPARTMENT OF HOMELAND SECURITY	33,065,236	30,568,748	31,860,080	-1,205,156	+1,291,332

Mr. ROGERS of Kentucky, Mr. Chairman, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 17, 2005.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS. Thank you for your letter regarding H.R. 2360, the Department of Homeland Security Appropriations Act for fiscal year 2006. As you have noted, the bill is scheduled for floor consideration on Tuesday, May 17, 2005. I appreciate your agreement to expedite the passage of this legislation although it contains a provision involving overtime pay that falls within your Committee's jurisdiction. I appreciate your decision to forgo further action on the bill and acknowledge that it will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation.

Our committees have worked closely together on this important initiative, and I am very pleased we are continuing that cooperation. I appreciate your helping us to move this legislation quickly to the floor. Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

HAROLD ROGERS,
Chairman.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2005.

Hon. HAROLD ROGERS,
Chairman, Subcommittee on Homeland Security, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN ROGERS: I am writing concerning H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006 which is scheduled for floor consideration on Tuesday, May 17, 2005.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning customs and Title 19, U.S.C. 267(c)(1). There is a provision within the bill which involves overtime pay for U.S. Customs and Border Protection employees and thus falls within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2360 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

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

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to thank the gentleman from Kentucky (Chairman ROGERS) for his cooperation and good work in bringing this bill to the House. This bill, in its current form, represents a substantial improvement over the President's budget request.

My comments are related to the bill as it stands. I am not sure, after all the points of order are made today, what will remain in the bill; but as the bill stands, there are many good things in this bill, including better funding for border enforcement and separate programs for transit and port security grants. I appreciate that the chairman worked with us to toughen up the bill on air cargo screening, chemical plant security, and privacy safeguards.

The Department has a long way to go in these areas. However, this bill pushes them to improve operations and better secure our Nation. I would especially like to point out the air cargo screening provisions in this bill. One of these provisions penalizes TSA for not complying with last year's law which required a threefold air cargo screening increase. Another provision mandates that TSA utilize their equipment to screen air cargo during the downtime in checked baggage screening. This should help raise the screened percentage of air cargo even further. Last, the bill includes $30 million for three air cargo screening pilot programs, two at passenger operations and one at an all-cargo operation.

The report accompanying this bill directs the Secretary to ensure that all DHS contracts with companies that collect personal information, such as ChoicePoint, will require the companies to have security procedures to properly notify individuals if their personal information is lost or stolen. The personal data of hundreds of thousands of people have been compromised in recent months. For 49 States, there is no requirement for companies to notify the affected people. We should require notification government-wide, and this provision takes an important step in the right direction.

The bill also demands that the Department get its act together to develop proper standards and processes for designating the information as ''security-sensitive.'' Today, TSA has no meaningful procedures to designate ''security sensitive'' documents. This has led, I believe, to TSA withholding information from the public that should be disclosed. This bill directs the Department to limit the number of people who can designate such information to establish internal controls to audit these designations.

I do have reservations about some parts of this bill, especially the funding levels for fire grants and the State homeland security formula grants. We will have an amendment relating to fire grants later. I happen to be in probably a small minority who thinks it is a mistake to distribute a portion of the State formula grant based on risk and vulnerability versus population.

Let us be clear. The urban initiative grant is distributed on a discretionary basis. My observation over the last several years, when trying to get information from the Department on how they made those judgments, we rarely get good answers; at periods of time, no answers; and at other times, very ineffective answers. I have no problem with whatever the judgment of the Congress is in adjusting the minimum grant that goes to particular States. However, I think when we assume that this Department has the capacity to make risk judgments on allocating funds to all 57 States and territories, I think we overestimate their capacity to make such judgments.

They have made mistakes in the past, and I just do not think they have developed the needed expertise to make the kinds of judgments we are assuming they can. If they had that capacity, then I think we might be headed in the right direction; but there is no evidence that they have that capacity today.

In conclusion, however, I must say that I think we must measure this homeland security bill by asking whether the bill helps close the gaps that exist today. I think the bill does that. I think it makes substantial improvements in how the Department would operate, and I am proud to support the bill as it stands today.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the distinguished ranking Democrat on the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY).

□ 1215

Mr. OBEY. Mr. Chairman, there are two problems that we face in dealing with this bill. The first is that we have an agency which is essentially incompetent and dysfunctional. We are trying to protect the Nation's security by working through an agency which is gargantuan, which is bureaucratic, to say the least, which is filled with inertia, and filled with people working at cross purposes. Outside of that it does a terrific job.

And the chairman and the ranking member of the subcommittee have tried to do their dead level best to provide the kind of Congressional oversight that is necessary if you are going to help bring this agency out of its troubles and put that agency in a posture where it can be a trusted repository of the responsibilities that we have given to it.

The second problem we have is that we still have not faced up to the need. Even though the agency which we must go through in order to deal with this problem is a mess, we still have not faced up to the fact that we need more resources.

We still only inspect a tiny percentage of the container cargo which comes into this country every day. We still inspect an infinitesimal percentage of cargo on passenger airplanes. Mr. SABO has focused on that issue many times.

We, despite all of our posturing, and despite every Member of Congress who

has gone on the Lou Dobbs Show and talked about the need to secure our borders, we still are incredibly short in terms of the number of border guards, in terms of the number of immigration inspectors. And then, in addition to that, the Congress on the supplemental appropriation bill added an entirely extraneous provision which set up this new complicated, convoluted Rube Goldberg operation that every citizen is going to have to go through in order to renew their driver's license.

And the cost of that program is indeterminate, but we are being told by the Congressional Budget Office that it will cost at least $100 million, which will be laid onto State and local governments. We are told by the National Council of State Legislative Leaders that it will cost about $500 million, and we have laid that responsibility on State and local governments.

So, Mr. Chairman, it seems to me that even with our doubts about the agency there are certain functions that we ought to be providing more money for unless we are determined to create yet another unfunded mandate. The committee has not been able to provide additional money, not because of any defect in the committee but for one simple reason: This House has decided to make as a higher priority providing very large tax cuts for the next 10 years, and a huge percentage of those tax cuts have gone to the most blessed persons in this society. Let me put it that way.

The reality is that if you make over a million dollars this year, you could expect, on average, to get a $140,000 tax cut. We could plug all of the holes I have just mentioned in our homeland security activities if we simply limited that $140,000 average tax cut to $138,000.

And that is what the amendment would do that I intend to offer at a later point in the proceedings. The Rules Committee did not make that amendment in order, while they did make in order, or they did make it possible for any single Member to walk onto this floor and wipe out 15 pages of this bill that provide needed resources for numerous security activities.

So we are in the situation where the Rules Committee has precluded me from offering an amendment which can be voted on by the entire body, and yet the Rules Committee has said we are going to allow a single Member from a committee that has never produced a bill that has gone into law, we are going to allow them to walk in here and shred this bill.

That makes no sense to me. So I just think the Rules Committee has failed in its stewardship responsibility, and I think we are failing our responsibilities to our constituents if we do not provide more resources than this bill provides.

Having said that, I want to congratulate the gentleman from Kentucky (Mr. ROGERS) for doing the best job that he could under the circumstances. I had intended to vote for this bill until they took it and shredded it. Whether I will vote for it in the end will be determined by just how irresponsible people are when they come to the floor and knock out provisions of this bill just because their committee did not happen to think of them.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield such time as he may consume to the very distinguished and very able chairman of our full committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman, the gentleman from Kentucky (Mr. ROGERS), for yielding me whatever time I might consume. I really rise because I want the House to know that this bill is perhaps one of the most positive reflections of what our Appropriations Committee can do at the subcommittee level when we work in a very professional and highly nonpartisan manner to address major problems that face our country.

The question of homeland security and the need for expanding effectively our work in this arena is obvious. Both the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) have done a fabulous job of working together.

The staffs are not just outstanding, they have produced a product of which we can all be proud. Indeed, as we go through the process today it is conceivable this product may change because of untoward circumstances. But I must say in the arena that involves homeland security we do have a new authorizing committee that has been put together. They have yet to produce their first product this year, but they are working diligently to try to move in that direction.

It is our desire to help them be successful. And over time I am certain that we will be able to help them be successful. If money has anything to do with this process we hope to have a very positive influence.

In turn, the bill as it is currently formed is being used effectively for oversight. We all know that this department is something much different than an elephant or a hippopotamus or a donkey combined. It is the merging of some 22 agencies, an attempt to put together the homeland security department.

As we attempt to massage the process to make sure this agency can operate effectively, clearly the Appropriations Committee has a role to play. In their attempt to provide effective oversight, before oversight has been done by way of the authorizing committee, for they have not had a chance to do that yet, it is very important that dollar pressure get the attention of this organization.

Let me just mention one area in the area of the Coast Guard's work, in the Deepwater arena. Preceding 9/11 they were on a plan for working and developing their responsibilities in Deepwater efforts. Subsequent to 9/11, the chairman has been pushing them to move in the direction of remodeling their plan to reflect this new world that we are living in.

And the chairman has worked, by way of language in past bills, he has worked by communication with the leadership of the new agency, he has done everything he can to have them be responsive to a plan that is not just a 5-year, but a 20-year plan that tells us where these sizeable number of dollars are going to be spent to impact that piece of our security.

And indeed the lack of response from the Coast Guard is astonishing to me. I mean, indeed, you would think perhaps that this subcommittee did not exist because they presume that money for them would be automatic around this place.

Well, the Chairman has done a great job of trying to send a message that says, we expect you to have a real world plan that reflects post-9/11 realities. And that language is important to our ability to provide oversight in the months that are just ahead.

I would hope that all of us working together would recognize that sometimes you use the vehicle that is available to have oversight that will impact an agency whose attention we absolutely must get. Otherwise we could waste not just 6 months or a year, we could waste 2 or 3 years while we are getting our act together.

Indeed, let me return to my original point; that is, this subcommittee has done a fabulous job. If you will just read this bill and look at the care that has been taken in every section, staffs on both sides of the aisle indeed should be applauded for their effort at causing both the gentleman from Minnesota (Mr. SABO) and my colleague, the gentleman from Kentucky (Mr. ROGERS), for doing a fabulous job on behalf of our Nation's security.

Mr. SABO. Mr. Chairman, I am pleased to yield 3 minutes to a distinguished member of our subcommittee, the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Mr. Chairman, I thank the gentleman from Minnesota (Mr. SABO) for yielding me this time.

Mr. Chairman, first off I would like to compliment the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), for their hard work on this bill.

The bill's top line total is $1.3 billion, or 4 percent above the President's request, and $1.7 billion, nearly 6 percent above this year's enacted level. The bill achieves these numbers without conceding to the President's request to increase the Federal security surcharge on airline tickets by $3.

Mr. Chairman, I want to strongly state my support for the efforts of the gentleman from Kentucky (Chairman ROGERS) in this bill to ensure accountability, which is long overdue. I understand that the top management at DHS

has had a very difficult management task on their plate from day 1, pulling together all of these different agencies and making sure that they play and work well together.

I believe, however, that these challenges are cause for more, not less oversight on the part of the Congress. After September 11, Congress voted to grant the Department of Homeland Security a broad scope of authorities. This means that if managed properly, the Department is uniquely positioned to protect us from terrorism.

On the other hand, if managed improperly, it is also uniquely positioned to do great harm. For instance, since the PATRIOT Act and the Homeland Security Act, I, along with many others in this body, have spoken out constantly on the need for our antiterrorist agencies to safeguard our constitutional rights and civil liberties.

Mr Chairman, I believe that if in the process of getting the bad guys we step and throw away the Constitution, eventually it is the terrorists who would have won the battle. Congress is the most essential body for protecting Americans from these types of excesses and missteps by the Department.

Furthermore, the American people have also charged us with ensuring that every dollar that the government spends, especially on something like homeland security, is spent in a way that yields the most benefit. The most significant way that we in Congress carry out this vital task is by controlling the way the money is spent, and that is what the gentleman from Kentucky (Chairman ROGERS) has spoken to for so many times with the support of the gentleman from Minnesota (Mr. SABO).

We cannot just open up this new part of our funding, if you will, in this Congress and dole out all of these dollars without having some accountability. The gentleman from Minnesota (Mr. SABO) and especially the gentleman from Kentucky (Chairman ROGERS) well understand that this is not our personal money, this is the taxpayers' dollars, and the taxpayers complain a lot about how we spend the money. This time we have a new department, new agency, new spending sources, new funding levels, and we can from day 1 try to pull the strings in and have some control.

So I would hope that today, during this debate, those who may be officially or personally offended about how some things happen around here understand that there is a greater task; that is, the protection of the people and the protection of the taxpayer.

First off, I would like to commend Chairman ROGERS and Ranking Member SABO for their hard work on this bill.

The bill's top line total is $1.3 billion (4 percent) above the president's request and $1.7 billion (nearly 6 percent) above this year's enacted level.

The bill achieves these numbers without conceding to the President's request to increase the federal security surcharge on airline tickets by $3.

I am strongly supportive of Chairman ROGERS' efforts in this bill to ensure accountability at DHS, which is long overdue.

I understand that the top management of DHS has had a difficult management task on their plate from day one: pulling together all these agencies and making sure that they play well together.

I believe, however, that these challenges are cause for more—not less—oversight on the part of this Congress.

After Sept. 11, Congress voted to grant the Department of Homeland Security a broad scope of authorities. This means that, if managed properly, the Department is uniquely positioned to protect us from terrorism. On the other hand, if managed improperly, it is also uniquely positioned to do great harm.

For instance, since the Patriot Act and the Homeland Security Act, I, along with many others in this body, have spoken out constantly on the need for our antiterrorist agencies to safeguard our Constitutional rights and civil liberties.

Congress is the most essential body for protecting Americans from these types of excesses and missteps by the Department.

Furthermore, the American people have also charged us with ensuring that every dollar that the government spends—especially on something like Homeland Security—is spent in a way that yields the most benefit.

The most significant way that we in Congress carry out this vital task is by controlling the way money is spent—and, if necessary, denying the Administration requests if they are unable or unwilling to respond to our concerns.

Chairman ROGERS recognized this point when he built accountability into this bill.

I would also like to take a moment to highlight some of the funding levels in the bill that I believe are inadequate.

I understand that when it comes to something like our safety and security from terrorist attacks, any final amount of funding means that tough choices must be made.

One important area that suffers a severe cut in this bill, however, is funding to our state and local programs, which the bill reduces by 11 percent from this year.

The Administration and many on our committee have noted that this cut is in response to the sluggish pace at which the Department and states move these funds out to local agencies, so that they can be spent.

But I don't believe that slashing funding for these essential programs is the right approach to making them work better.

These state and local governments are on the front lines in our struggle against terrorism, and still have many needs that are going unmet.

Most notably, fire grants, which, as the Ranking Member notes, are the most successful grant program at DHS are reduced by $115 million from current levels—16 percent—even as we are finding that our firefighters are still largely unprepared to respond to catastrophic terrorist acts.

In addition, State homeland security formula grants, local law enforcement terrorism prevention grants, and urban area security grants, all of which are especially important to my district and other high risk areas, are reduced by 14 percent.

As the bill moves to Conference, I am hopeful that we can find a way to address some of these deficiencies, and I look forward to working with the Chairman and Ranking Member on these issues.

In closing, I believe overall that this is a good start to tackling many of the problems that have plagued the Department from its inception, and I urge all my colleagues to support it.

□ 1230

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE), another distinguished member of our subcommittee.

Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) has 15½ minutes remaining.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I am grateful to my colleagues, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO), for their conscientious and cooperative efforts in writing this bill.

The bill would provide much-needed additional funding to protect our borders. It would also boost the Department of Homeland Security's efforts to track down potential terrorists and criminal aliens that are already in this country.

It would shorten the backlog for people seeking to legally live in this country as permanent residents or citizens. It would help protect our ports and our chemical and nuclear facilities. And as the gentleman from New York (Mr. SERRANO), my colleague, just stressed, it focuses on accountability, much-needed accountability, at the Department, and I commend the gentleman from Kentucky (Mr. ROGERS) in particular for that.

Given the limited funds the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) had to start with, theirs was not an easy or enviable task, and they have done an exceptional job with the poor hand they were dealt. But I have said this before and I will say it again: we can do better. This bill could and should be better. We would do better if we made better budget choices at the front end of this process.

This vote today is not occurring in a vacuum. During recent funding debates, we have heard the Republican leaders say over and over, there simply are no funds available to provide what

is needed. I suspect we are going to hear that again today.

What we do not hear as often is that since 9/11, we have spent 20 times as much on tax cuts, mainly benefiting the wealthiest people in this country, as we have on protecting the American people from terrorist attacks. Just the other week, we passed another tax cut that will only benefit people inheriting estates that are worth millions of dollars.

So we go over the cliff fiscally, and our Republican friends try to pin the blame on discretionary domestic spending, including spending for security. We pass budget resolutions that fall far short, so that by the time we try to write appropriations bills within the limits in these resolutions, we have nothing left to talk about. All we can do is lamely speak of the things we just are not able to do, in this bill and other bills, because we do not have the funds.

Well, we chose not to have the funds. To name one conspicuous example, for the second year in a row, we are going to cut the Fire grant program, one of the most successful Federal programs we have.

Despite the fact that a recent FEMA study showed that two-thirds of our fire departments operate with staffing levels that do not meet the minimum safe staffing levels required by OSHA and the National Fire Protection Association, we are again under-funding the SAFER program, which assists understaffed departments in hiring additional personnel.

Mr. Chairman, we pass bills authorizing first-responder support, but when it comes time to pay for these programs, we would rather put the country's money toward tax breaks for the wealthy than for police officers who are protecting our communities. Trillion-dollar tax cuts get rammed through this Congress, but in this bill, the leadership says we have ''no choice'' but to cut State block grants by 14 percent.

Today, our choices are indeed limited, although I am hopeful we can make some improvements at the margins, for example, by passing the gentleman from Minnesota's (Mr. SABO) first responder amendment.

At the end of the day, we should pass this bill, and I am hopeful that colleagues on both sides of the aisle will support it. But we should understand why this bill, despite our subcommittee's best efforts, does fall short. We should resolve to fix this country's budget policy so that at long last our Nation's people and their security can come first.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman from Minnesota for yielding me time, for his leadership, and also to the gentleman from Kentucky (Chairman ROGERS) for his diligence, hard work, and leadership in bringing this bill to the floor.

Mr. Chairman, last month the port of Oakland in my district in California became the very first port in the Nation to fully install radiation portal monitors at every one of its international marine terminals. That means that every single container exiting the port of Oakland will be screened for nuclear weapons. As the fourth largest port in the Nation, that is almost 700,000 screened containers a year.

While Oakland can detect and prevent the entry of nuclear weapons into our country now, other ports around the Nation, unfortunately, cannot. We know that terrorist organizations are actively seeking nuclear weapons; but under this bill, our Nation's ports would not be fully equipped with radiation portal monitors until 2009. That is unacceptable.

The fact is this administration has consistently underfunded port security for years. The Coast Guard estimated in 2002 that we needed $7 billion for port security. In the last 4 years, Congress has only provided about $737 million, and this bill would add a meager $150 million.

So, Mr. Chairman, we cannot wait until a real attack occurs, and we need more money for port security now. So I hope that we make this commitment today as this bill moves forward.

Mr. SABO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Minnesota for the time.

I thank the chairman of the subcommittee and as well the chairman and ranking member of the full committee. If there is ever a challenge, Mr. Chairman, it is a challenge of trying to get one's hands around the massiveness of homeland security.

I think if we have ever realized the importance of the work of the subcommittee on appropriations, and also the authorizing committee, it was last Wednesday, just less than a week ago, when masses of people in this area were told to evacuate and Members of Congress were seen fleeing, as others stood by watching them.

We have, if you will, a crisis more or less in the way that we handle homeland security issues, and the focus in terms of resources could not be more important and could not be more immediate.

First of all, I would like to acknowledge the dollars that are in this particular legislation dealing with Customs and border protection and immigration and Customs enforcement. I would like to see more. I do believe that the lack of dollars in the Fire grants is something that we need to improve.

What I would like to focus on, in particular, is the need to, one, I hope over time eliminate aspects of the REAL ID bill but to emphasize that it is seemingly unwieldy to suggest that States have to implement the REAL ID bill with a national ID card and no dollars, and I believe that this bill falls short of the amount of money needed to implement the REAL ID bill.

Then look at those of us who are border States, Texas, California, Mexico and Arizona, facing the likes of the Minutemen. On May 1, the Houston Chronicle said that the Minutemen are headed for Texas. We are patriots but we can handle our own business, but the Federal Government needs to handle immigration business.

I believe that we need more resources at the border for Customs and border patrol protection agents, more dollars for enforcement technology, more dollars to be able to protect the border, more dollars to ward off inappropriate, unauthorized militia on our borders. The reason why Americans are taking up immigration in their own hands is because we have failed them.

Mr. Chairman, we need enforcement with respect to employer sanctions. We need enforcement with respect to promoting American jobs. We need enforcement as it relates to protecting our borders, north and south; and yes, Mr. Chairman, we need comprehensive immigration reform.

I have introduced the Save America Comprehensive Immigration Act of 2005, which has to do with reuniting families, legalization for long-time residents, protecting women against violence and the border protection, as well as dealing with American jobs. I hope that we will have an opportunity in appropriations and authorization to look at immigration reform.

Mr. NUSSLE. Mr. Chairman, I rise to speak on the appropriations process for fiscal year 2006 and the Department of Homeland Security appropriations bill in particular. This is the first appropriations bill to be considered under the fiscal year 2006 budget resolution. The bill also provides for what we all agree is one of our Nation's highest priorities: protecting Americans at home.

The budget resolution provides a total allocation for discretionary appropriations of $843 billion in fiscal year 2006. This represents a 0.8 percent reduction for fiscal year 2006 in total non-defense, non-homeland security spending. I recognize the challenge this poses to the Appropriations Committee.

With respect to H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006, this is the first appropriations bill we are considering for fiscal year 2006, and the first to be reported by the Homeland Security subcommittee of the restructured Appropriations Committee.

I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2006, which Congress adopted as its fiscal blueprint on April 28.

H.R. 2360 provides $30.8 billion in appropriations for the Department of Homeland Security for fiscal year 2006, which is $1.1 billion below the fiscal year 2005 level. Excluding the $2.5 billion in one-time appropriations provided in fiscal year 2005 for Project BioShield, the bill actually represents a $1.4 billion, or 4.7 percent, increase in budget authority above

last year's level and is $1.3 billion above the President's fiscal year 2006 request.

The bill provides increases in border protection, immigration enforcement, first responders, transportation security, and science and technology broadly consistent with the President's request, but exceeds it largely because of the rejection of the Administration's proposed $1.7 billion increase in aviation security fees for the Transportation Security Administration. The bill's funding level is partly offset by slowing spending for the replacement of the Coast Guard fleet and by a reduction in non-defense, non-homeland security spending. With total fiscal year 2006 appropriations equal to its allocation, the bill conforms with the budget resolution.

H.R. 2360 does not contain any emergency-designated BA, which is exempt from budget limits. The bill contains one rescission of $84 million in previously enacted discretionary BA for the Coast Guard; the same amount is appropriated for replacement or maintenance of the current patrol boat fleet.

The bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

As we enter the appropriations season, I wish Chairman LEWIS and our colleagues on the Appropriations Committee the best as they strive to meet the needs of the American public within the framework established by the budget resolution.

In conclusion, I express my support for H.R. 2360.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of the FY 2006 Homeland Security Appropriations bill. This is not a perfect bill, but it provides much needed funds to make our country safer.

Total funding in the bill is increased from this year's levels, with significant increases over the requested levels for immigration and for customs enforcement and border protection. Funding for port, transit and aviation security is also much improved over the president's budget request.

Still, I'm concerned about shortfalls in the bill. It cuts fire grants by 16 percent, even as a recent survey found that fire departments all over the country are not prepared to respond to a haz-mat incident and lack equipment. The bill cuts State homeland security formula grants, local law enforcement terrorism prevention grants, and urban area security grants by 14 percent. The bill does provide additional funding for border patrol, but the number of agents still falls 500 short of the 2,000 called for in the Intelligence Reform bill. Since September 11, just 965 additional border patrol agents have been hired—less than a 10 percent increase in 4 years.

I am pleased that the House adopted an amendment offered by Mr. OBEY of Wisconsin to provide funding to help States comply with the REAL ID Act. Estimates are that complying with the Act will cost the States between $100 million and $500 million over the next 4 years. Since the majority saw fit to push the REAL ID provisions through Congress, it is important that Congress also provides funding to do the job.

I opposed the amendment offered by Mr. TANCREDO which would block any Homeland Security funding from going to State and local governments if their law enforcement is prohibited from reporting immigration information to the Federal Government.

I believe that linking this provision to vital homeland security funds could have unintended consequences for our national security. Since 9/11, national security has become a national priority, and State and local governments play an essential role in assisting the Department of Homeland Security to improve the security in this country.

Under current law passed in 1996, it is already illegal for law enforcement to restrict the reporting of immigration information to the Federal Government. I support this law, and believe it should be fully enforced. The efforts of State and local governments to enhance our security should not be undermined because the Federal Government has not properly enforced immigration law.

We should be providing States with resources to improve security, not taking these resources away. By underfunding and allowing the weakening of security in some States and localities due to their lack of reporting illegal immigrants to immigration officials, the Federal Government would in effect be contributing to the weakening of our national security.

Mr. Chairman, much remains to be done to improve our defenses against terrorism, but this bill is an important step, and I will vote for it.

Mr. BLUMENAUER. Mr. Chairman, I rise in favor of this bill, which includes critically important funding for Oregon and the rest of the country.

I especially appreciate funding for prevention measures to reduce the damage done by floods and other natural disasters, and I would like to thank the Chairman and Ranking Member for fully funding the Flood Insurance Reform Act of 2004. The Act, which this House passed overwhelmingly last year, extends the authorization of the National Flood Insurance Program (NFIP) and provides new resources to address severe repetitive loss properties.

The Federal Emergency Management Agency (FEMA) reports that repetitively flooded properties, which make up just 1 percent of the insured properties, account for 25 percent of NFIP claims dollars. Mitigating these properties will not only keep people out of harm's way, but will also save other flood insurance program policyholders thousands of dollars.

Fully funding the program this year would allow us to move more than 1000 families out of harm's way. It will also save the Federal government millions of dollars in money that would otherwise be spent on flood damages and disaster relief. FEMA reports that mitigation and building standards already in place have resulted in over $1 billion annually in reduced flood losses.

I appreciate the strong support of Financial Services Chairman MIKE OXLEY, Ranking Member BARNEY FRANK, and their staff, who have worked tirelessly to ensure that the Flood Insurance Reform Act is implemented.

The Homeland Security bill also includes crucial local preparedness grants, which are an important part of the Federal government's responsibility to be a good partner to local communities. I am pleased that these grants will be distributed, after a state minimum guarantee, on the basis of risk, as the 9/11 Commission recommended.

However, I am disappointed that three and a half years after the terrorist attacks of September 11, our homeland security budget continues to under-fund some of our most pressing needs, from border security to infrastructure security to first responders. But this shortfall stems not from the appropriations bill, but from unfortunate budget choices and the resulting inadequate allocations.

Mr. SABO. Mr. Chairman, I have no further requests for time and I yield back my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I have no further requests for time as well, and I yield back.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $133,239,000: *Provided*, That not to exceed $40,000 shall be for official reception and representation expenses: *Provided further*, That of the amounts appropriated under this heading, $20,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committee on Appropriations of the House of Representatives an immigration enforcement strategy to reduce the number of undocumented aliens, based upon the latest United States Census Bureau data, by 10 percent per year: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall not be available for obligation until section 525 of this Act is implemented: *Provided further*, That the Secretary shall submit all reports requested by the Committee on Appropriations of the House of Representatives for all agencies and components of the Department of Homeland Security, as identified in this Act and the House report accompanying this Act, by the dates specified: *Provided further*, That the content of all reports shall be in compliance with the direction and instructions included in this Act and the House report accompanying this Act by the dates specified: *Provided further*, That, of the amounts appropriated under this heading, $20,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives has received all final reports in compliance with such direction and instructions.

AMENDMENT OFFERED BY MR. HOSTETTLER

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

The Clerk read as follows:

Amendment offered by Mr. HOSTETTLER:

Page 2, line 9, after the dollar amount, insert the following: ''(decreased by $500,000)''.

Page 4, line 2, after the dollar amount, insert the following: ''(decreased by $5,505,000)''.

Page 12, line 20, after the first dollar amount, insert the following: ''(increased by $193,200,000)''.

Page 16, line 5, after the dollar amount, insert the following: ''(decreased by $21,156,000)''.

Page 19, line 1, after the dollar amount, insert the following: ''(decreased by $47,500,000)''.

Page 34, line 19, after the dollar amount, insert the following: ''(decreased by $180,000,000)''.

Page 37, line 12, after the dollar amount, insert the following: ''(decreased by $60,000,000)''.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Indiana (Mr. HOSTETTLER) is recognized for 5 minutes on his amendment.

Mr. HOSTETTLER. Mr. Chairman, this amendment is the combination of the three amendments I will offer today. It would supply funds for the shortfall of ICE agents, or Immigration and Customs Enforcement agents, border patrol agents and detention beds that have not yet been funded by this Congress. This shortfall occurs as a result of the difference between authorized levels due to last year's National Intelligence Reform Act and a combination of this year's appropriations bills, this appropriations bill and the recently passed supplemental.

Immigrations and Customs Enforcement is the agency tasked with enforcing immigration laws internally within the United States. It is critical that ICE, Immigrations and Customs Enforcement, receive the resources necessary to successfully complete its mission.

The 9/11 Commission recognized the great importance of adequately securing our Nation's borders against the potential threats. We must make up the shortfall in funding and provide funding for the additional 500 border patrol agents who have not yet been funded.

It is also critical that we have adequate detention bed space to house aliens that might otherwise never return for hearings or, worse, might commit crimes if not detained.

In conclusion, Mr. Chairman, I ask my colleagues to support this amendment to fully fund critical parts of homeland security and the Bureau of Border Protection, the Immigration and Customs Enforcement, as well as detention beds.

POINT OF ORDER

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

Mr. ROGERS of Kentucky. Mr. Chairman, there is plenty of money in this section of the bill. I think we have put all the money we can into that section, and it is ample.

Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment proposes to increase the level of outlays in the bill, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order raised by the gentleman from Kentucky?

If not, to be considered en bloc, pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Indiana proposes a net increase in the level of outlays in the bill, as argued by the chairman of subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The point of order that the amendment proposes to address portions of the bill not yet read is sustained.

□ 1245

AMENDMENT NO. 9 OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SOUDER:

Page 2, line 9, after ''$133,239,000'' insert '', of which $6,000,000 shall be for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 878 of the Homeland Security Act of 2002, as amended''.

Mr. SOUDER. Mr. Chairman, I rise to urge my colleagues to adopt this amendment, which would ensure adequate funding for the Office of Counternarcotics Enforcement at the Department of Homeland Security. The office was created by Congress in December of 2004 as part of the 9/11 intelligence reform legislation. It is fully authorized but, to date, has not received sufficient funds to enable it to carry out its mission of overseeing and coordinating DHS' antidrug trafficking efforts.

DHS is the largest single drug enforcement entity in the Federal Government, combining the legacy Customs Service, the Coast Guard, and the Border Patrol. For this reason, Congress specifically made drug interdiction one of its primary responsibilities. Congress has also created the position of Counternarcotics Officer, CNO, in 2002, to oversee drug interdiction activity and facilitate coordination and cooperation within the Department.

Regrettably, the original CNO position did not have the resources or the status necessary to be effective. During a hearing held by the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which I chair, we learned that CNO was a detailee from the Drug Czar's office without a dedicated staff or budget.

To remedy this problem, Congress replaced the CNO position with the Office of Counternarcotics Enforcement. The office is responsible for analyzing and reporting to Congress on the Department's annual counterdrug budget request, for reporting to Congress on the results and effectiveness of DHS counterdrug operations, and for ensuring the coordination of the Department's counterdrug efforts both internally and with other departments.

Although Congress authorized $6 million for the office out of the Department's appropriation for departmental management and operations, the administration failed to request any funds for it. The amendment specifically designates $6 million for the office out of the overall appropriation for the Office of the Secretary and for executive management of the Department.

In closing, I would like to thank the gentleman from California (Mr. LEWIS), chairman of the full committee; and the gentleman from Kentucky (Mr. ROGERS), chairman of the subcommittee, for bringing this vital legislation before the House. But once again I would like to make it absolutely clear that this does not increase any dollars in the Homeland Security budget. It merely requests, again, that dollars we have authorized be set aside inside this department.

This department has been opposed by the administration before. In the original creation of the Department of Homeland Security, the administration opposed the creation of the Office of Counternarcotics. This House spoke clearly, as did the other body, and the gentleman from Illinois (Mr. HASTERT), the Speaker himself, led this being inserted in the bill, but the administration ignored our request. So when we went back to the 9/11 report, this House again changed and added more duties and staff to this office. The other body agreed with us, but the administration opposed this.

The administration has steadfastly opposed narcotics, of which most of the divisions of the Department of Homeland Security work in, yet they have steadfastly opposed making this office anything but superficially irrelevant. They have not allowed the director of it, the current director was first funded by the ONDCP, now he is funded by TSA. He has all detailees in his office, or interns. The minimal budget is at the begging from the Chief of Staff to fund their office.

We need a set-aside office. This body and the other body have spoken in both major bills. It needs to be funded. The administration continues to be negligent in the area of narcotics. They proposed wiping out Byrne grants, they proposed wiping out HIDTA, they proposed getting rid of meth hotspots, and once again they are after the narcotics budget.

The number one crime problem in America is related to narcotics, and it is about time this administration understood that problem. We need to continue to speak out in Congress, because across the board they have been opposing this, and this may be our only chance to go on record to show that we

want this administration to be more aggressive in counternarcotics.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment, and I rise reluctantly in opposition to the gentleman's amendment that would earmark $6 million for the Office of Counternarcotics Enforcement and the U.S. Interdiction Coordinator out of funds provided for the Office of the Secretary and executive management.

Mr. Chairman, the Department currently has eight people working on counternarcotics issues. In the past 2 years, we funded $1.86 million for that activity. That is almost half the funding provided for the Chief of Staff of the Department, where the counternarcotics staff are located. A $6 million earmark for counternarcotics would have the effect of zeroing out all funding for all other activities funded within the Chief of Staff's office, including the development of budget and information technology policies for the secretary.

In fact, this amendment would require additional reductions in the Chief of Staff's office to fund this work. These reductions would mean that the Secretary would hire fewer security staff to focus on classified and security-sensitive issues within the Department, reduce support for the privacy office, or perhaps eliminate most of the newly proposed Office of Policy and also prohibit the hiring of new staff requested in the 2006 budget.

There is no real clear justification why this office should basically triple in one fiscal year from less than $2 million to $6 million, or what the appropriate size of the office should be, particularly when they have not even filled all the funded positions they have.

While I support the counterdrug mission of the Department, and in fact wish that the Chief Counternarcotics Officer would take a more prominent role in resolving longstanding issues of interagency coordination of drug interdiction, we cannot appropriate funds without knowing what those funds will be paying for. We just do not write blank checks in this subcommittee. I respect the gentleman's amendment and his intent.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, my amendment does not specify that it comes from the Chief of Staff's office, was it? That was not my impression. Because it is in the section of the bill that relates to the Chief of Staff?

Mr. ROGERS of Kentucky. Reclaiming my time, that is correct, and this is where the staff is now located. So it would have to come out of the Chief of Staff's operating budget.

Mr. SOUDER. Mr. Chairman, if the gentleman will once again yield, I question whether it has to come out of the Chief of Staff's budget, because it was supposed to be a separate Director of Narcotics. I think the Department of Homeland Security has chosen to fund it through the Chief of Staff's office, which is not necessarily binding. But I would be happy to work with the gentleman in conference to see if we can come up with a figure.

Mr. ROGERS of Kentucky. Perhaps the gentleman can withdraw the amendment and we will have a chance to work on it further.

Mr. SOUDER. If the chairman will agree to work with leadership and with the Speaker's Drug Task Force, which has supported this, I will withdraw the amendment on the grounds that the chairman will continue to work with me as we move to conference.

Mr. ROGERS of Kentucky. I will be happy to work with the gentleman. He has been a very diligent Member of this body, and I appreciate the information he is providing to us now. We will work with the gentleman to try to get at the problem he describes here.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

The CHAIRMAN. Hearing none, the amendment is withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 2, line 9, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 37, line 12, after the dollar amount, insert the following: ''(increased by $15,000,000)''.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope the distinguished chairman will acknowledge that we believe this is revenue neutral. This amendment is offset by the account out of the Secretary's office and it is not legislating on an appropriation bill, but it is addressing a need that is overwhelming in our offices and throughout America.

If our message to America is that we believe in legalization and we believe in the legal access to immigration, or to legalization, meaning that we want people to come into the United States legally and to secure legal status, then we are doing everything wrong to encourage that proposition.

We know that this country is a land of immigrants and a land of laws, and through the decades, through the centuries immigrants have come first through the Atlantic, through the Statue of Liberty, through Ellis Island, seeking opportunity and seeking legalization. And, Mr. Chairman, we have allowed that to happen. We have had processes in place that would work toward, not against those processes occurring.

Today, ask any Member of Congress what is the largest caseload they have in their office, and it is regarding immigration benefits and access to citizenship. Not illegal access, but legal access. When we look at the documentation we find that there is a steadily increasing number of individuals seeking legal immigrant status. In the years 2001, 7.8 million, 2002, 7.7 million, 2003, 7.1 million. At the same time, we find that there is a lack of access to real immigration rights because we are backlogged.

There is an enormous backlog, even though there are no numerical limits, as reported in this chart, no numerical limits on the admission of aliens who are immediate relatives of U.S. citizens. Such citizens petitioning for their relatives are waiting almost a year, almost a year, and in some parts of the country almost 2 years for the paperwork to be processed.

Citizens and other legal permanent residents petitioning for other nonimmediate relatives under family preferences are often waiting several years for the petition to be processed.

This is a crisis, colleagues. We are working against our own philosophies and policies, which is to encourage legal immigration. Right now you can ask any Member of Congress whether they have an elderly constituent who is attempting to beat the clock of life.

Right now in my own office there is a gentleman who loves this country, in his 80s, and he has been trying to become a citizen through legal ways for almost a decade. Right now he is ailing. His family calls me every day. The reason his petition is taking so long is because we are backlogged and cannot seem to get a simple process of fingerprints and documentation together at once.

The additional $15 million in this amendment will help us in funding the hiring, clearance processes, training, office equipment, and support services for 300 additional full-time CIS adjudicators. The Sensenbrenner-Conyers substitute amended the immigration section 102 in a committee hearing for the immigration customs enforcement legal program for the hiring of an additional 300 attorneys and related training and support cost. This amendment, that I join together with the gentleman from Michigan (Mr. CONYERS) in, likewise adds this amount of attorneys and adjudicators into this process to help us along.

The President supports reducing the lengthy backlog of immigration application processing as an important policy objective. Lengthy backlog and interminable processing delays are a disservice to the needs of businesses, keeps families needlessly separated, and undermines the integrity of the system. There is a bipartisan agreement that the Department of Homeland Security must catch up on the backlog it inherited from the INS. The former head of the immigration services, Eduardo Geary, in our own Subcommittee on Immigration and Claims,

submitted a proposal to end the backlog.

Work has been done, but more work has to be done. The report language for this bill earmarks $120 million for this purpose but it fails to add money where it is needed most by increasing the number of adjudicators who can process the backlogged applications.

Mr. Chairman, I believe this is a bipartisan amendment, as shown in the bipartisan effort of the work done by both the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS). Together, the gentleman from Michigan (Mr. CONYERS) and myself now offer these additional dollars and focus on the need for adjudicators and on the need to help with backlog applicants.

Remember what I said. The numbers are increasing every single day and the backlog is increasing every single day. Citizens and LPRs, legal permanent residents, petitioning for nonimmediate relatives under the family preferences are waiting now several years. Mr. Chairman, we can do better. How can we do better? By supporting the Jackson-Lee/Conyers amendment.

For every single Member in this body who has a backlog in their office of those trying to do the right thing, this is the Homeland Security appropriation and what we need to do is understand immigration and fight terrorism. So I ask my colleagues to support my amendment.

□ 1300

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I rise to state a point of order and in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky is recognized on his point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, the proposal will likely cause an overage on outlays, and so the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, I need a clarification. The amendment is on page 2 line 9, and the offset comes on page 37 line 12. I do not understand what the objection is to the amendment in terms of out of order. I seek a clarification. What is the objection?

Mr. ROGERS of Kentucky. Mr. Chairman, I will read it again to the gentlewoman.

The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me just say I would hope that the chairman would be willing to waive the point of order. I consider this amendment so important that I will withdraw the amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment without prejudice at this time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas that the amendment be withdrawn?

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LOBIONDO:

In title I, in the item relating to ''OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT'', after the first dollar amount, insert the following: ''(reduced by $130,000,000)''.

In title I, in the item relating to ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'', after the first dollar amount, insert the following: ''(reduced by $130,000,000)''.

In title I, in the item relating to ''OFFICE OF THE CHIEF FINANCIAL OFFICER'', after the dollar amount, insert the following: ''(reduced by $16,000,000)''.

In title I, in the item relating to ''OFFICE OF THE CHIEF INFORMATION OFFICER'', after the first dollar amount, insert the following: ''(reduced by $190,000,000)''.

In title II, in the item relating to ''UNITED STATES COAST GUARD-ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS'', after the first dollar amount, insert the following: ''(increased by $466,000,000)''.

Mr. LOBIONDO. Mr. Chairman, the amendment I offer today with my colleague and friend, the gentleman from Massachusetts (Mr. DELAHUNT), would restore the $466 million cut to the Coast Guard's Integrated Deepwater System. I know the gentleman from Kentucky (Chairman ROGERS) strongly supports the Coast Guard; and while I disagree with his decision to cut Deepwater, I understand why the gentleman felt the need to do it.

In light of the post-9/11 capability requirement changes, the gentleman from Kentucky (Mr. ROGERS) asked for a comprehensive implementation plan for the entire life of the program. As the Chair of the Coast Guard authorizing subcommittee, I have also requested the exact same information. Unfortunately, to date, neither the gentleman from Kentucky (Mr. ROGERS) nor I have received the information requested. I would say to the Coast Guard, to the Department of OMB, provide Congress with this information and do it now. No more excuses, just do it now.

If the administration continues to ignore this request, the Deepwater program will be devastated. At $500 million, Deepwater will likely take over 40 years to complete instead of the original 20-year estimation. Thousands of jobs would be lost in a number of States. The total cost to the taxpayer would actually increase substantially because of the delays; and the delivery of the new, more capable vessels, aircraft and communications equipment will be delayed indefinitely.

Specifically, this cut in funding would likely stop all work on the national security cutter affecting jobs in Mississippi. The break in production would negatively impact the already-troubled shipbuilding industry. It would also defer design work on offshore patrol cutters and the fast response cutter, again affecting jobs in Mississippi, would stop work on the vertical takeoff unmanned aerial vehicle, and this affects jobs in Texas. It will scale back the mission effectiveness program of the 210- and 270-foot cutters, which is intended to keep these legacy assets afloat and operational. This will affect jobs in Maryland.

Also, Mr. Chairman, it will affect the operation tempos significantly, placing a tremendous strain on the service's aging legacy assets that are doing the job now.

In fiscal year 2004, the United States Coast Guard lost over 700 patrol days due to failing legacy assets. Last year, the cutter fleet operated free of major casualty less than 50 percent of the time. Last year, the service's fleet of C–130, HU–25, and HH–60 aircraft all failed to meet target levels for readiness. And last year, the Coast Guard's main rescue helicopter experienced inflight engine failures at a rates of 329 mishaps per 1,000 hours of flight.

All of these issues are putting our men and women in uniform in grave danger and jeopardizing our homeland security mission. The GAO testified before my subcommittee that legacy assets are insufficient to meet mission demands and the need to replace or upgrade deteriorating legacy assets is considerable. The Coast Guard commandant calls it a readiness gap or downward readiness spiral.

Whatever we call it, the fact remains without new and better-equipped assets promised under Deepwater, the Coast Guard will not be able to successfully conduct its homeland security and other vital missions. Delaying Deepwater is bad for homeland security. It is also bad news for the budget. Continuing to defer acquisition of new assets causes the service to sink more and more money into rapidly deteriorating legacy assets just to keep them afloat.

The Coast Guard anticipated spending $20 million annually to keep legacy assets operational; but in 2006 the service expects to spend more than 12 times that much, and that does not take into account the nearly $60 million it will cost to replace the wing boxes on several of the C–130s or the $63 million in other unfunded legacy sustainment priorities.

In order to control costs, we need to invest in replacement assets. The new Deepwater assets will cost much less to maintain and will operate with fewer

servicemembers, saving millions in operating expenses and helping our homeland security mission. Deepwater will allow the service to push out the borders and effectively meet the demands of homeland security and other traditional missions.

I urge my colleagues to fully restore the Deepwater funding, and at the appropriate time I intend to withdraw my amendment and hope that the gentleman from Kentucky will have received the information requested from the administration, and work with us as the bill moves forward to restore these desperately needed dollars.

Mr. DELAHUNT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, imagine that your house is on fire, and the first thing you do is call 911; but the fire truck which was purchased during the Eisenhower administration gets a flat tire. The siren is not working, and then the hose springs a leak. Now you have lost your house, all of your possessions, and hopefully not your life.

Now imagine you are at sea. You call for help. The mayday call will be answered by the United States Coast Guard with ships and planes that are called legacy assets. Presumably that is a euphemism for old, really old. In fact, the Coast Guard operates the second oldest naval fleet in the world. The North Korean and Iranian naval fleets are in better shape than the United States Coast Guard.

Many so-called legacy assets are riddled with structural defects, putting Coast Guard personnel and people who call on them for help at risk, like the nine Coast Guard personnel who were aboard the 1942-era cutter Storis who nearly died when the davit lowering their lifeboat ripped away from the steel superstructure crashing them into the frigid Bering Sea. The rescuers literally became the rescued.

And remember last year, the Coast Guard's main search and rescue helicopter, the Jayhawk, experienced inflight engine failures at a rate of 329 per 100,000. The FAA acceptable standard is one per 100,000 flight hours. These failures limit the Jayhawk's ability to hover over, and place the lives of its crew and passengers and those below in danger.

The undisputable fact is that the demands on the Coast Guard have vastly outpaced its resources. I think we can all agree, there is no margin for era, particularly in this post-9/11 world, when the Coast Guard cannot escort an LNG tanker because the cutter's hull has fractured; when the parents of an overdosed teenager discover that the Coast Guard boats were not fast enough to interdict the drug smugglers; when family members of deceased fishermen discover that the Coast Guard could not have got there sooner because the helicopter had to turn around because of engine problems.

I sincerely appreciate the gentleman from Kentucky (Mr. MIKE ROGERS) and the Committee on Appropriations have been most patient in seeking the answers to the questions that they have posed, but I deeply regret we have come to the point where Congress feels it is necessary to threaten the future, the very existence, honestly, of the Coast Guard; and OMB and the administration should comply sooner rather than later with the request put forward by the chairman so we can put this matter behind us and meet our responsibilities to the brave Coast Guard personnel as well as the American people.

In the end, we should be looking for ways to speed up the Deepwater program and encourage the purchase of additional cutters and aircraft. What the service needs with its multiple missions and increasing responsibilities is not further reduction, but rather increases; increases, not of millions, but of billions, of dollars because it is that critical.

Unless we do not really care about patrolling ports, bridges and power plants, unless the 5,000 lives that the Coast Guard saves on an annual basis are now expendable, and we all know that is not true, that is not the case. But the reality is a crippled Coast Guard means lost property, lost commerce, and lost lives. We can do better.

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

Mr. Chairman, first let me thank the gentleman from New Jersey (Mr. LOBIONDO) for bringing this important amendment to the floor. I think it is very important. I would also like to commend the Subcommittee on Homeland Security and the gentleman from Kentucky (Chairman ROGERS) for the great job he has done in doing his job as the chairman of this important subcommittee.

I would like to bring my perspective as the chairman of the Subcommittee on Terrorism and Unconventional Threat and Capabilities on the Committee on Armed Services. I like to look at the war on terror in three parts. We have the part that is taking the fight to the enemy. That is the armed services and the intelligence community. We have the job of gathering information both domestically and internationally in this very difficult war on terror. And third, we have the job, the task of securing the homeland.

□ 1315

We are talking about building block No. 3 today. This year, unfortunately, it has been found necessary for the fiscal year 2006 Homeland Security Appropriations bill to include $500 million for the Coast Guard's Integrated Deepwater System, cutting the program by $466 million below the President's request. I think this is a mistake. I do not think there is anything more important today, and I remember Ronald Reagan telling me when I was first elected to Congress 20 years ago that there are many things that the Congress does that are important, but nothing is more important than providing security to the American people.

Cutting nearly half of the funding will result in huge delays for Deepwater. This is simply unacceptable. If funding remains at this reduced level, it will add an additional 20 years to the program's completion. We cannot wait. This would serve a tough blow not only to this program but to taxpayers who ultimately have to fund the program over the long term.

Continuing to underfund the Deepwater program only puts off the acquisition of new replacement assets and further stresses already failing legacy systems. The gentleman from New Jersey went into some detail on that subject. With reduced resources, the service is forced to sink the majority of its funding into keeping legacy systems literally afloat and literally in the air.

Failure to fully fund the Deepwater program creates a readiness gap that we cannot afford to create. The Coast Guard performs countless critical missions to aid in the war on terror and we must not intentionally reduce or hamper their capabilities.

I understand that the gentleman from New Jersey is going to withdraw this and there will be pending considerations by the chairman of the committee. I thank both gentlemen for their effort in this regard.

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

Mr. Chairman, I appreciate the gentleman from New Jersey bringing this forward and I join with him and my colleague from Massachusetts in regretting that we are at this pass. I understand that the committee is not motivated by any animus against the Coast Guard or any failure to appreciate the need for what it does. While we are going to have this amendment withdrawn at this point, obviously we all fervently hope that the administration will come into compliance with the very reasonable request of the committee so that by the time this bill ultimately is signed into law it includes these necessary funds for the Coast Guard.

I represent the most prosperous fishing port in the United States, the city of New Bedford, town of Fairhaven. The value of the catch there is very significant. They make a significant contribution to the economy, the fishermen do. They also provide a very healthy source of food. At a time when we are worried about the health of what people eat, the health effects, we are worried about obesity, fishing is one source of about the healthiest food people can eat. Unlike most other foods, people do not often realize that the seafood that is brought to their table involves some risk of life. People do not get killed growing vegetables or even herding cattle, but people get killed fishing, particularly out in the deep sea. We have had tragic instances recently in the North Atlantic of these extraordinarily brave men losing their

lives not through their own fault but weather and other factors.

We need to do a lot to deal with that. We need to change regulations that give them incentives to be out at unsafe times. We need to do better training. We need a whole range of things. But no matter how hard we try to avoid accidents, given the nature of fishing, they will happen. Sadly, the Coast Guard today is not as well equipped as it can be and should be to deal with those accidents.

My colleague from Massachusetts alluded to a controversy over a failure of a helicopter at a time when someone needed a rescue. The Coast Guard maintains that it would not have made any difference. We do not know whether it did or did not, but even accepting their argument, we should not be having that debate. Families mourning the loss of a brave fisherman should not be further tormented by the possibility that it was a failure in our own government that led that to happen.

Having the Coast Guard do everything that it physically is capable of doing in these rescue situations is an essential part of an overall safety program, and obviously that cannot happen without there being the funds that we need. I urge the administration strongly to comply with the committee's request because it would be morally unacceptable for us to let this bill get signed into law with this gap still there.

I appreciate the leadership of the committee in trying to get it resolved. They will have our support in doing that. We hope that when this bill is finally signed, those of us who represent fishermen will be able to tell them with some sense of confidence that we are, in fact, doing everything that we can to save them in this difficult situation.

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

Mr. Chairman, the ships we are talking about today are well over 35 years old. If we were to proceed as scheduled, it is still going to take 2 or 3 years to build them. If we delay, we are talking really no telling how long. Quite frankly, the Navy right now is retiring Block I Aegis class cruisers that are less than 20 years old for maintenance problems. If we are going to retire 20-year-old Navy ships, it is only fair that the people who sail side by side with them, the United States Coast Guard, should have their ships replaced as well.

The gentleman from Kentucky has asked some very legitimate questions. I would hope the administration would be forthcoming with the answers to those questions. It is important to know what sort of financial obligations we are undertaking by replacing these vessels. But the bottom line, Mr. Chairman, is we have no choice but to replace these vessels. They are 35 years old, the newest of them. We are sending young people to sea that are half the age of the vessels they sail on. If it was my son, your son, I know we would want better than that.

I encourage you to get the answers that you seek, for the Coast Guard to be forthright with the information that you seek, but at the end of the day it is important that these ships that were built in the 1960s and the early 1970s be replaced as quickly as possible.

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

I really appreciate the action of the gentleman from New Jersey, the chairman of the Coast Guard authorization committee. I really appreciate the gentleman's amendment and the comments that have been made. I think we are all in agreement. There is nothing that hurt me more in this bill than when we were forced to cut back the Deepwater monies until we could get the report of the Coast Guard about what the 20-year plans were.

I am a big supporter of Deepwater. In fact, when I was chairman of the Transportation Appropriations Subcommittee is when we first funded Deepwater. The gentleman from Minnesota and I served on that subcommittee as well. It is a wonderful program.

But then came 9/11. When 9/11 happened, the mission of the Coast Guard dramatically changed and they never really amended the Deepwater program in view of that very alarming new mission that they became charged with. And then we have continued to fund them for the last 2 years just based on their promise that they would get us the revised plan—a rebaselining. And then as time passed and we began to notice with the help of the gentleman from New Jersey's subcommittee that more and more of the Deepwater monies intended for new equipment was being used to maintain the old equipment, increasingly eating into the Deepwater monies. We felt we had no choice but to try to force the issue.

We have bent over backwards, 15 different ways, with the Coast Guard and with the Department to try to get them to tell us the new 20-year plan, the rebaselined Deepwater, so that we all know where we are going and we know what we are buying.

This subcommittee is not going to be a blank check for anybody. We insist on knowing what the program is. I think that is our duty. As soon as the Coast Guard can get us the 20-year Deepwater spending plan, I think the problem will disappear but not until. The old equation, lack of information means lack of money, applies to the Coast Guard as it does to my personal account.

I appreciate the gentleman from New Jersey's work and his attitude in the subcommittee. He is a great leader of that subcommittee and has done a wonderful job. We have enjoyed working with him. He is easy to work with. He is very firm in his convictions, but he understands what has to be done here.

I hope that this painful period of time will pass. It is up to the Coast Guard and the Department and perhaps, most importantly, the Office of Management and Budget to all finally agree and let us get on with it. I thank the gentleman for offering the amendment.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. The concern of the committee to get a rebaselining of the Coast Guard construction program is not something that has just happened recently. I think we have been working on this for a year and a half, 2 years, something like that, to get the rebaselining. It is not a last-second whim that has occurred, but something that we have been concerned about for an extended period of time and have not gotten a response.

Mr. ROGERS of Kentucky. The gentleman is exactly correct. In fact, in the 2002 period of time we were requesting the new baseline. We did that in 2003. And then in the 2005 bill finally, we wrote it into the law that said you shall furnish the rebaselining on a such and so date. That time has long past gone. We still do not have it. What else can we do? I am open to all ideas, but I think the only weapon we have left is withholding funds.

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

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

Mr. ANDREWS. Mr. Chairman, I want to express my appreciation to the gentleman from New Jersey (Mr. LOBIONDO) for bringing this issue to the attention of the House and my appreciation to Chairman ROGERS and Ranking Member SABO for performing the kind of responsible oversight that our branch of government is accountable for.

The gentleman from New Jersey very accurately points out that the Deepwater program is an essential element of homeland security. The Coast Guard's mission has changed dramatically and justifiably since 9/11. For it to carry out that message, its aging and inferior fleet needs to be replaced with a 21st century fleet. I commend the gentleman from New Jersey for taking the lead in making that fleet a reality.

I understand that because of the constraints we are under under this bill, that he will not be able to go forward with his amendment at this time. I obviously support that decision. But I wanted the gentleman from Kentucky (Mr. ROGERS), the gentleman from Minnesota (Mr. SABO) and the gentleman from New Jersey (Mr. LOBIONDO) to know that I would be interested and willing to help in whatever efforts are necessary from this point on so that we can find the optimal and appropriate level of funding for this program so

that we can complete the modernization of the Coast Guard for its very essential new mission.

I again thank the author of the amendment and would urge continued cooperation.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of the Lobiondo amendment.

The Coast Guard's Deepwater Program will result in a nearly complete recapitalization of the Coast Guard's fleet of vessels, aircraft, and supporting systems.

The Coast Guard's legacy assets are failing at an alarming rate, jeopardizing the success of Coast Guard missions and the lives of Coast Guardsmen.

We must bring the new assets that will be procured through the Deepwater Program online as quickly as possible.

The current bill will not only fail to accelerate the rate at which these assets become available, but it dramatically slows down the delivery of these critical assets.

Following the events of 9/11, the Coast Guard has taken on significant responsibilities to protect maritime homeland security in addition to carrying out its important traditional missions of search and rescue, illegal drug and migrant interdiction, oil spill response and prevention, and fisheries law enforcement.

We must provide the resources necessary to allow the men and women of the Coast Guard to successfully carry out these missions.

The Deepwater Program will provide these assets and I applaud the chairman of the Subcommittee on Coast Guard and Maritime Transportation for his amendment to provide funding to procure the assets needed by the Coast Guard.

I thank the chairman.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of the LoBiondo amendment to the DHS authorization and I ask my colleagues to support it.

The Coast Guard yard in Baltimore, MD has dedicated coasties and dedicated civilian personnel, all of whom are fighting to keep us safe and secure. So it is disheartening to hear that the DHS authorization is going to cut critical funding for the Coast Guard to the tune of $466 million.

This in my opinion is a huge mistake. We have asked the Coast Guard to take on an aggressive and daunting role in protecting our coastlines, ports, rivers and waterways, and more importantly keeping our homeland secure. We cannot and should not be cutting their funding. The Coast Guard is moving in a new and exciting direction that will allow for an all encompassing approach including faster, stronger ships along with an aircraft component. At this time we should not be cutting their budget; we should be making sure they have the tools and resources to keep us safe.

It is my understanding that cuts could result in a loss of up to 108 jobs at the Baltimore Yard and I want to let you know that this is completely unacceptable. The Baltimore Coast Guard yard is already scheduled to lose 50 jobs for the MEP program and to add another 108 jobs on top of it would devastate the yard and the proud maritime tradition that Baltimore has.

I support the new direction for the Coast Guard and believe these new capabilities will only make our homeland security stronger. However, losing skilled ship repair and builders is not a good idea. It is hard enough to find trained workers but to keep pushing them aside will only hurt us when we need their help the most.

But aside from that we are cutting the fleet of vessels that are going to be the new line of maritime defense. We cannot let this happen. This Deepwater project is designed around the new cutters, smaller support craft and integrated aircraft fleet. By reducing funding for this program you will hurt the overall effectiveness of the program and we will lose hundreds of jobs of hard working Americans.

I ask my colleagues to stand in support of this amendment.

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for his focused and outstanding leadership, and I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 2, line 9, after the dollar amount, insert the following: ''(reduced by $18,000,000)''.

Page 37, line 12, after the dollar amount, insert the following: ''(increased by $15,000,000)''.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that we will have an opportunity to find common ground. Again, I raise the question to my colleagues, how many of you have been overwhelmed by the number of immigration cases in your office and overwhelmed by the fact that these are individuals seeking legal status.

I referred my colleagues to a report on immigration and naturalization petitions pending from 1997 to 2004. The most glaring point is that citizens and legal permanent residents petitioning for other not immediate relatives under the family preferences are often waiting several years for the petitions to be processed.

□ 1330

The normal cycle is 6 months.

This amendment is simple. It would provide relief by providing for funding for the hiring, clearance processes, training, office equipment, and support services for 300 additional full-time CIS adjudicators above the number of adjudicators presently employed by CIS in fiscal year 2005. This means that the backlog elimination plan as offered by the former Director of U.S. Citizenship and Immigration Services, Eduardo Aguirre, could be further implemented, and, also, the report given by the ombudsman presented in the first annual ombudsman report, which talks about the enormous delay and the need for improving in Citizenship and Immigration Services.

Let me share with my colleagues the long time of waiting in a number of States where these regional service centers are. If one is attempting to get their immediate relatives into the country, in California the waiting started for processing of applications filed in 2003; Nebraska, 2002; Texas, 2002; Vermont, 2003. Unmarried sons and daughters of citizens, these applications are backlogged to July 19, 2001, out of California Regional Center; Nebraska, 2001, Regional Center; Texas, the regional center there, 2001; and Vermont, 1999. If one is a legal permanent resident and they are attempting to get their unmarried son and daughter and they are going to their Congressional office, their petition would be backlogged in California from April 6, 1998; Nebraska, April 13, 2001; Texas, October 30, 1998; and Vermont, January 4, 1999.

Even with the new Department of Homeland Security, Mr. Chairman, it is imperative that we begin to look misdirections. We argue for legal immigration and legal processes, but yet when those individuals try to access the process, they are put in lines that are long and not moving, which frustrates the process, it frustrates our message.

We should promote legalization. We should promote access to legalization. We should promote those who come into this country to seek access to legalization in a legal way, in a way that falls under our laws. But if our processes are broken, then we are not in any way supporting our policies.

This amendment is simple. It provides $18 million to assure us that these 300 adjudicators can help move the process along. It also, I think, tracks very well with our intent as we have seen a number of legislative initiatives being offered. As I said, I have offered the Save America Comprehensive Immigration Reform Act that deals with border protection, that deals with saving America's jobs, protecting immigrant women who are subject to violence. It also, I believe, provides dollars for border protection.

But the question of immigrant services is, even with the good works of this subcommittee, long overdue to improve. These 300 adjudicators can go a long way in improving that and answering the concerns of many of our colleagues when they go into their office and talk to their caseworkers and see the long list of cases dealing with immigrant concerns.

It also responds to those who are aging on the list. They are trying to secure access to citizenship and legalization. They have put in their paperwork, but they have been delayed. Long years of delay. Right now in my office I have an elderly gentleman who simply wants to pledge allegiance to the flag of the United States of America, put his hand up on his heart and salute the flag of the United States of

America. He has been waiting for years. He is aging. He is ill. He wants to return home to his motherland for some issues that he has to contend with, but he cannot move from the United States because we have been waiting and waiting and waiting and waiting for his citizenship process to go forward.

These are the kinds of crises that Members face all over America. These are the kinds of crises that immigrants face who are seeking to follow the process legally.

I ask my colleagues to support this amendment that would allow us to add 300 adjudicators to this process. I believe it is revenue neutral, and I ask my colleagues to support it.

Mr. Chairman, this amendment would increase the appropriation of funds for the Bureau of Citizenship and Immigration Services, CIS, by $18 million for the purpose of funding the hiring, clearance processes, training, office equipment and support services for 300 additional full-time CIS adjudicators above the number of adjudicators employed by CIS in Fiscal Year 2005.

The President supports reducing the lengthy backlog for immigration application processing as an important policy objective. Lengthy backlogs and interminable processing delays are a disservice to the needs of business, keep families needlessly separated, and undermine the integrity of the system.

There is bipartisan agreement that the Department of Homeland Security must catch up on the backlog it inherited from the INS. In fact, the report language for this bill earmarks $120 million for this purpose. But it fails to add money where it is needed most—for increasing the number of adjudicators who can process the backlogged applications.

Just recently, in a bipartisan agreement negotiated between the Chairman and the Ranking Member of the Judiciary Committee, authorization was added during a Judiciary Markup for DHS to hire additional attorneys for the Bureau of Immigration and Customs Enforcement, ICE, and 300 additional adjudicators for CIS. The amendment before us today is necessary to fund the additional adjudicators and the related training and support costs.

After forging that agreement, and passing it out of the Judiciary Committee, the majority tried to undercut that agreement by requiring that the adjudicators be paid for by an increase in immigration services fees. Simultaneously, they authorized explicit funding for the new ICE attorneys to be drawn out of the total DHS authorization.

These costs should not be born by immigrants. Immigrants should not have to subsidize the administrative failures of our immigration agency. It is an insult to require immigrants to keep paying more and more for slower and shoddier service. These funds should be appropriated by Congress, and Congress should demand better agency management of these funds.

I understand and appreciate the concern of those who would resist moving funds from enforcement functions to adjudications. I do not believe that a reduction of $15 million in the funds available for enforcement activities would significantly reduce the effectiveness of our enforcement programs. That amount of money would be sufficient, however, to support 300 additional adjudicators who are desperately needed for backlog reduction in benefits applications.

As to the discussion by the gentleman from Wisconsin, Ranking Member OBEY, regarding his surprise over the submission of this amendment, let me clarify his assumption. This crucial amendment was not intended to broadside anyone. My immigration counsel and someone from Mr. CONYERS' staff met with one of Mr. OBEY's staffers last Friday afternoon to discuss amendments, and this amendment was brought up at that time.

Mr. Chairman, I ask that my colleagues support this amendment.

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

The CHAIRMAN. The gentleman continues to reserve his point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, in this bill we double the amount of money that is in the 2005. We double it, $40 million more than they had in 2005, and it is 50 percent more than what the President requested. I mean we are shoveling money at this office. To shovel more money at them would be, I think, wasteful, to say the very least.

Number two, this proposal would cut the Office of the Secretary. We are already doing a lot of that in this bill, and to cut them any more I think would be counterproductive. That Office of the Secretary is $133 million plus. This cut would result in a 15 percent reduction from that figure. The office is largely salaries and expenses, and cuts will result in fewer people attempting to meet an increasing workload. Fewer people means the Department will take even more time to respond to our Congressional inquiries.

We have been critical of that office, but it is this office that will ultimately make the changes needed to make this Department work. They are working on the new Secretary's second-stage review even as we speak. It is only now that the office has been fully staffed up. Any cuts would directly affect these positions.

In 2006 we recommended about 90 new positions to address critical needs in the Secretary's Office. These cuts that the gentlewoman proposes would result in reductions in security personnel responsible for classified material. It would reduce the newly expanded privacy office, and it would reduce the newly created policy office, a function that should help eliminate some of the stovepiped functions that we complain about in the Department.

So I would urge Members to reject the amendment. We have already doubled the amount of money in that account in this bill, and it would slash the Office of the Secretary at a very critical time.

I oppose the amendment, Mr. Chairman.

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

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding to me.

I appreciate the dilemma that the chairman speaks to, particularly with respect to the very broad needs that we have.

I want to remind my colleagues that this is $18 million for 300 adjudicators specifically and that what we are talking about is trying to eliminate or bring down the existing 6 million benefit applications that were pending in 2003. As I read to my colleagues, no matter what part of the country they are in, whether they are under the California Regional Service Center, the Nebraska Regional Service Center, the Texas Regional Service Center, the Vermont Regional Service Center, their constituents are facing an enormous backlog. That raises a lot of havoc, Mr. Chairman. In fact, it speaks to security in this country when people are undocumented and do not have the legal papers that would allow them to stay in this country.

It helps young people to age out. One of the issues that we have dealt with is when parents who are trying to bring their children in and the children reach 21 before they are able to even be processed.

This is a crisis. And as one of my colleagues who stood on the floor of the House said, the Department of Homeland Security is huge. This is not an attempt to cause the resources out of the Office of Secretary to be diminished in strategic areas. But I can assure the Members I have great confidence in our new Secretary and those dollars can be effectively moved out of places that would not be damaging to his mission or his work or the work of the Department of Homeland Security.

What we are talking about is providing that $15 million for 300 adjudicators, and I would welcome the opportunity for us to be able to support this amendment and support this amendment in a way that realizes that it focuses on needs that many of our offices face all over America.

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

Mr. Chairman, I rise in opposition to the amendment. Anyone who serves here any length of time knows that one thing that we really appreciate is if we are not surprised or sandbagged by other Members or other committees.

Earlier today the Committee on Rules provided a sandbag to this committee when, without anyone on this side of the aisle knowing about it, they simply left this bill open to a whole variety of points of order. And they did that after we had worked out some delicate compromises between both sides of the aisle. I strenuously objected to that action. I cannot be credible in objecting to that action if I do not also object to surprises that occur on my side of the aisle.

I made a statement in the whip's meeting last week and asked every member of our caucus to please come to those Members of the House on this side of the aisle whose responsibility it is to run the bill from this side of the

aisle. We asked that they come to us if they had any amendments so we could walk through with them how those amendments might or might not fit into the greater scheme of things. At least we wanted to have a chance to consult with Members.

This amendment is here with no prior notice to me. I do not know if anyone else on this side of the aisle was noticed, but I certainly was not noticed, and I do not appreciate it. The fact is we have our differences between parties, but we try to run these bills in a way which will protect the interests of all Members. We cannot do that if individual Members continually surprise us with amendments so that we have not had an opportunity to try to make certain that they are drafted in such a way that they do not get in the way of what the sponsor is trying to do or get in the way of what we are trying to do.

The gentleman from Kentucky has pointed out that this account has already been increased by a very significant amount. It has and I applaud him for it. The fact is there are some accounts in this bill that do not have a dime in it, and that needs to be corrected before an amendment like this is offered.

So I regretfully have to say that while I wish we had more money for a number of these accounts, as one who has to balance where we put limited amounts of money I have to agree with the gentleman from Kentucky and urge defeat of the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I withdraw my point of order.

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

The CHAIRMAN. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, far be it from me to attempt to surprise my colleagues. But since we are all equal Members of this body, I consider it my right to approach this issue from the perspective of the knowledge that I have.

I believe in collegiate work, and I believe in working with the collective bodies here, and I do not think I have ever risen to the floor to speak along those lines, but I will do it now. In order to focus on some of the issues that have come to my attention from Members across the aisle on the question of immigrant services, listening to members of the Department of Homeland Security talk about their efforts to ease the burden and knowing the importance of adjudicators which would help, in fact, to ease that burden, I hope that the allotment that has been spoken to both by the ranking member of the full committee and the chairman of the subcommittee will be designated for these important adjudicators.

The purpose of this amendment is valuable, and I think the gentleman from Michigan (Mr. CONYERS) and I viewed it as a valuable amendment. I hope that as we move forward that I will be able to see that those dollars allegedly that have been allocated, some $400 million, will go to easing some of these backlog dates.

I remind my colleagues, 1998, 2001, 2003, all scattered across these service centers. Why? Because they are overburdened. Fingerprints are lost. Applications are lost. So often we hear that in our constituency.

I think the process of appropriations is a complicated process. We attempt to do it in the spirit that is collegiate in this body. We attempt to do it with the knowledge that we have and the research that we do and the work with fellow staff members. If that cannot be done, we move forward.

I hope that we can improve the process because everybody is not in a whip meeting. So therefore I hope that we can improve the process and ensure that when we come to the floor these amendments that we have to be made in order, we have the understanding that they are for a purpose and a reasonable purpose.

□ 1345

Now, I will look forward, as we move toward conference, to monitoring this particular legislation to see whether or not it completely addresses the question of adjudicators, which is what this amendment is all about, the question of adjudicators.

So, Mr. Chairman, I ask my colleagues that if they are having a backlog in their office, I hope that they will consider that the intent of this amendment was not a malicious intent; it was an intent to work collegially and to help solve the problems, and I hope that we will continue in that spirit, to work toward solving problems, because that is what this particular body is all about, solving problems, Democrats and Republicans working together.

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

The amendment was rejected.

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

Mr. Chairman, I rise in strong support of this bill, and I congratulate the gentleman from Kentucky (Mr. ROGERS), the chairman, for taking a firm, strong, aggressive stance to secure our borders, because that is one of the issues that is first and foremost on the minds of Americans, whether they are on the border or whether they live 2,000 miles away.

Since the creation of the Department of Homeland Security, there has been a dramatic increase in the number of non-Mexican illegal immigrants, also known as OTMs, apprehended on our borders. In fact, some border patrol sectors have reported a 300 percent increase in OTMs this year alone. This problem has grown exponentially, in part because the Department of Homeland Security has failed to take a strategic approach to detention and removal that ensures that every illegal immigrant apprehended is properly deported.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, my good friend from Texas is correct. The Department has failed to take corrective action, and that is why this act will withhold $50 million in funding until the Department submits a detention and removal plan that addresses these issues in a more comprehensive manner. Already this year, the border patrol has apprehended over 75,000 illegals, Other Than Mexicans, more than twice the number of apprehensions compared to this same time last year; and we still have 5 months to go.

Mr. BONILLA. Mr. Chairman, reclaiming my time, the chairman has worked hard to produce a bill that will fund additional enforcement, within budget limitations, and has set forth directions in the report accompanying the bill to get the Department headed toward a solution.

I also want to thank the chairman of the subcommittee for hearing my concerns regarding the so-called ''catch-and-release'' policy that allows OTMs to be released on their own recognizance. Last summer, I was in communication with then-Secretary Ridge and then-Under Secretary Hutchison regarding this issue, and they responded by authorizing expedited removal for all OTMs apprehended by the border patrol. Unfortunately, the Department has implemented expedited removal in only two districts. I am therefore pleased to see this issue is addressed, as well, in this bill.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, when the gentleman first described to me the ''catch-and-release'' policy and how it has affected the border communities, I was surprised to learn that the Department had not made full use of its authority. I understand that doing so will not only allow the Department to remove OTMs two to three times faster than traditional methods while permitting legitimate asylum claims, but would cut detention costs for such individuals by more than 50 percent.

Mr. BONILLA. Mr. Chairman, reclaiming my time, the chairman is absolutely correct. Expedited removal would allow the Department to save money while addressing the OTM problem. I would also add that taking such enforcement action would help deter OTMs from attempting to immigrate illegally in the first place.

I once again thank the chairman for taking the time to hear the concerns of our border communities and for responding so readily. As a fellow subcommittee chairman, I know the difficulties in finding solutions that meet

budgetary restrictions, and I appreciate the directions he has given to the Department, which will make great strides to ensure that this critical issue is addressed.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MUSGRAVE:

Page 2, line 9, insert after the first dollar amount the following: (reduced by $100,000).

Page 26, line 23, insert after the dollar amount the following: (increased by $100,000).

The CHAIRMAN. Pursuant to clause 2(f) of rule XXI, the Chair must query whether any Member raises a point of order against provisions of the bill addressed by the amendment, but not yet reached in the reading, wit: page 26, line 19 through page 30, line 8.

Are there any points of order?

If not, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes on her amendment.

Mrs. MUSGRAVE. Mr. Chairman, according to recent news reports, the Department of Homeland Security has hired former actress Bobbie Faye Furgeson as the new ''liaison to the entertainment industry.'' In other words, the Department of Homeland Security is now hiring actresses to communicate with Hollywood.

In March 2004, the Department of Homeland Security posted an opening on the government Web site, USAjobs.com, stating the salary could top $136,000, plus benefits. I want to emphasize that this position has not been specifically authorized by Congress.

I believe that Americans take our homeland security very seriously. They see images of 9/11 that will clutch their hearts for their entire lives. They saw in the news just the other day about the incident here on Capitol Hill and saw people frantically trying to get to an area that was safe. Thank God they were not in danger.

But the people of this country have high expectations in regard to our homeland security after we were violated on 9/11, and they realize how vulnerable we are. I would just like to thank the gentleman from Kentucky (Chairman ROGERS) for his excellent work in living up to those expectations that the American people have for us.

However, I would have a very difficult time explaining to my constituents how we would use over $100,000 in this manner. If people are not aware of what we could do with $100,000, if we move this money to State and local governments to have grants available for our first responders, that amount of money would buy 694 Quick2000 Escape Hoods. Those are like the very hoods that we keep in our congressional offices. It would buy 558 Emergency PA systems, just like those that were used last week to warn people and to tell them about the evacuation. This one really interests me. It would buy 165 bullet-proof vests. There is a young family member that we have that is a police officer, and I realize how first responders rely on their lives with these bullet-proof vests. That amount of money would also buy 40 Level A HAZMAT protective suits, something that is really needed by our first responders.

So instead of spending $100,000-plus on one person who would simply review movie scripts for the government or help identify opportunities for Hollywood outreach and provide resources for TV and movies, we should direct this money to actually help the people who respond and can save lives.

I ask for support of my amendment.

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

Mrs. MUSGRAVE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I want to commend the gentlewoman. I think this is an excellent amendment. I am delighted that the gentlewoman has been able to ferret this out and bring it to the attention of all of us, and I want to say what a great job the gentlewoman has done and that I am going to vote for the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $146,084,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That of the total amount provided, $26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

AMENDMENT OFFERED BY MR. SABO

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

The Clerk read as follows:

Amendment offered by Mr. SABO:

Page 3, line 15, after the dollar amount, insert the following: ''(reduced by $26,100,000)''.

Page 30, line 12, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 30, line 13, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 30, line 14, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 34, line 4, after the dollar amount, insert the following: ''(reduced by $23,900,000)''.

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

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

There was no objection.

Mr. SABO. Mr. Chairman, our amendment increases the funding for the fire grant program by $50 million, $25 million for the SAFER program, and $25 million for the regular grant program. With the $25 million added to the SAFER program, it would be funded at $75 million, or $10 million above last year's funding.

With the increase to the regular fire grant program, it would be funded at $575 million, unfortunately still a $75 million cut from last year's level. If we had more funding, and more offsets, we would have added it to this program.

I might add that whatever the problems are with the larger local grant program, this is a program that has worked very efficiently and effectively. It is a proven successful program, and grant decisions are made on the basis of independent board review.

The needs of our fire departments are great, and our Federal funding for the fire grant program has decreased in recent years and, actually, as a population that has grown, the number of firefighters nationwide has fallen.

Firefighters still lack basic equipment. The number of firefighters with proper breathing gear and protective clothing has not substantially improved since 9/11.

In 2003, Federal fire grant funding was $746 million; this year it is $715 million. This bill, with the amendment, would increase that amount to $650 million. The offset funding for the new personnel system would be decreased by $20 million, but still would have an increase of $17 million, or 47 percent under this mark.

What this amendment does is it is fully funded in offsets and makes minor adjustments in the chairman's bill but, in my judgment, will result in better fire department capabilities in our local communities; and I urge support for this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as an author of this legislation with the distinguished ranking member and the distinguished chairman, I thank the chairman for working with us on this compromise. The chairman has been one of the tireless advocates in this body on behalf of the first responder community; and I want to tell the gentleman they recognize that. On behalf of the 1.2 million men and women who serve in the 32,000 departments across America, they understand that the gentleman from Kentucky (Mr. ROGERS) is listening to them.

Last week, when I approached the gentleman from Kentucky (Chairman Rogers) and the gentleman from Minnesota (Mr. SABO), our colleague, the gentleman from New Jersey (Mr. PASCRELL), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Maryland (Mr. HOYER), and a whole host of Members on our side of the aisle over here, the gentleman from New York (Mr. BOEHLERT) and others, it was with a great deal of enthusiasm that the chairman said he would work

with us, and that allows us to bring this amendment forward today.

Last November, Mr. Chairman, I spoke at the memorial service for our fallen firefighters. We paid tribute to 111 brave Americans, most of them volunteers, who paid the ultimate price in protecting America. Each year in this country, we lose over 100 police officers, we lose over 100 firefighters, paramedics, and EMTs. The difference in terms of law enforcement support, and we spend about $3 billion to $4 billion a year on local law enforcement at the Federal level, is that 85 percent of our first responders in the fire community are volunteers. They get paid nothing. They serve on behalf of these 32,000 departments while doing their full-time job and then come home on weekends and at nights and serve their communities. It is up to us to make sure they have the proper equipment they need.

Now, Members need to understand there is a distinction between the grant program running through the States and the grant program increased by this amendment. The grant program that this amendment increases is directly accessible to the fire departments. There are no middle people. There is no bureaucracy. There is no overhead. They go on line for 30 days once each year, and they apply directly. The grants are actually reviewed by other firefighters. There is no politics. That is why over 19,000 departments in this country have received one or more grants that have benefited our local towns.

This money is not just for homeland security; it is to better equip those departments who, back in 2000, we recognized need national help.

□ 1400

The second part of this amendment provides additional funding to the SAFER program, a program to encourage cities to hire more paid firefighters, volunteer departments to come up with more creative ways to encourage volunteers, and volunteer departments who may have to hire a full-time driver or a full-time officer, to have some of that funding available through this SAFER bill.

It is a significant increase when the program was appropriated to the level of $65 million this fiscal year, to add another $25 million in this amendment to that program.

Let me say just in closing, Mr. Chairman, that we are asking our fire and EMS departments to do more. The recent round of base closings that was announced on Thursday largely closes Guard and Reserve facilities. That is going to put increased pressure for homeland security on those 32,000 fire departments. They are not going to be able to rely on those local Guard and Reserve units, because their facilities are being shut down, so it is all the more reason that this amendment makes sense. It is good policy. It is good fiscal sense. It is paid for.

I commend all of the authors and everybody involved and especially again I want to thank the chairman for his vision, for his foresight, and for working with the ranking member to make this possible.

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

Mr. Chairman, I want to join my friend, the gentleman from Pennsylvania (Mr. WELDON) who has done such an extraordinary job in raising the consciousness of the Congress and of the American people with respect to the importance of our volunteer and paid fire fighting community and our emergency medical response teams throughout this country.

I also want to join my good friend, the gentleman from Minnesota (Mr. SABO), and I want to join the gentleman from Pennsylvania (Mr. WELDON) in thanking the gentleman from Kentucky (Mr. ROGERS) for his agreement to move this forward and for helping us fashion this amendment.

I want to thank the gentleman from California (Mr. LEWIS) as well, the chairman of our full committee. Mr. Chairman, I would like to express sincere appreciation to all of those involved, and I particularly want to recognize my friend, the gentleman from New Jersey (Mr. PASCRELL) whose effort was extraordinary in the adoption of the Fire Act, which provides for the basic grant program.

All of us were involved, but no one was more involved and more in the leadership, and of course his bill was the basis for the establishment of this. I would be remiss if I did not also reiterate how important the Fire Service Caucus has been and Bill Webb, who is the Executive Director of the foundation, and their focus on the issues that confront us.

Mr. Chairman, this amendment provides much needed increases to both the Fire Grant and SAFER programs, and moves us closer to fulfilling our obligations to ensure that our Nation's firefighters have at their disposal every resource possible to not only guarantee their own safety, but also to allow them to better serve each of our communities.

The $25 million we add to each of these accounts brings the funding in the bill to $650 million, $575 million for the Fire Grant program, and $75 million for SAFER. The SAFER program deals with personnel, the Fire Grant program is a broader application of moneys dealing both with equipment, safety equipment, training and other matters.

This is $150 million above the level requested by the President and is a reflection of Congress' commitment to ensuring that our fire departments are properly staffed, trained and equipped. But these amounts are still, Mr. Chairman, well below the authorized levels and far from meeting the needs of the fire service.

The gentleman from Pennsylvania (Mr. WELDON) pointed out the fact that the Base Closure Commission or the Pentagon has recommended to the commission the closure of many Guard and Reserve units around the country, and while first responders are critically important now they will be even more so if this action is taken.

The Fire Grant program was established by Congress in 2000, as I said through the leadership of the gentleman from New Jersey (Mr. PASCRELL), the gentleman from Pennsylvania (Mr. WELDON) and so many others, to meet the basic equipment, training and fire fighting safety requirements of America's fire service, and to bring all fire departments to a baseline of readiness to respond to all hazards.

The Fire Grant program has been a tremendous success, providing more than $3 billion for the infrared cameras, HAZMAT detection devices, modern breathing apparatuses, improved training and physical fitness programs, new turn-out gear, fire trucks and interoperable communications systems, to name but a few of the items that have been provided for by the Fire Act.

The simple fact is that the equipment and training provided by these grants have saved the lives of firefighters and average citizens in communities across America, and I am proud to play a role in this program.

The SAFER Program authorized 2 years ago and funded for the first time last year is a vital compliment to the Fire Grant program, because insufficient staffing, defined by National Fire Protection Association as fewer than four firefighters per apparatus, is a very real problem for far too many of the Nation's career and volunteer fire departments.

Not only does that understaffing put at risk the firefighters but, as I said, it puts at risk those whom the firefighters would save, whether in a very serious automobile accident, in a fire, earthquake or other natural disaster.

Responding with fewer than four firefighters per apparatus prevents the first responder unit from complying with OSHA's two-in/two-out standard for safe fire-ground operations and adds unnecessary risk to the already dangerous job of fire suppression.

Mr. Chairman, the NFPA estimates that an additional 75,000 firefighters are required across the country and the additional funding we provide today will move us a little closer to achieving that goal.

Mr. Chairman, I am in strong support of this legislation. I thank the gentleman from Kentucky (Mr. ROGERS), I thank the gentleman from Minnesota (Mr. SABO), and I thank the gentleman from New Jersey (Mr. PASCRELL) and all of those who have been involved in supporting these two vital programs.

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

Mr. Chairman, first I would like to commend the gentleman from Kentucky (Chairman ROGERS) and the

ranking member, the gentleman from Minnesota (Mr. SABO), for all of the hard work that they have done in bringing this bill to the floor.

Homeland security is a new discipline for this body, and in a relatively short amount of time the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) have provided expertise in the field.

I want to publicly acknowledge the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Maryland (Mr. HOYER) for the leadership they have displayed, that leadership in enhancing our Nation's security.

Mr. Chairman, this amendment is another example of their work to increase our emergency preparedness and response capabilities, and I ask all Members to support it. The challenges of our changed world require us to ask more and more of America's firefighters. Yet, we all know that many of their needs remain unmet. How can we expect our men and women on the front lines to be a real force in the war on terror if we do not deal with their most basic needs?

Like the fact that over 10,000 fire engines are at least 30 years old, or that 27,000 fire stations in the country have no backup power, or that two-fifths of all departments lack Internet access, or the fact that the majority of portable radios firefighters use are not water resistant; the list could go on.

But probably the biggest issue facing the fire service is a lack of manpower. Currently two-thirds of all fire departments, Mr. Chairman, two-thirds throughout America operate with inadequate staffing. And in communities of at least 50,000 people, 38 percent of the firefighters are regularly part of a response that is not sufficient to safely respond to a structure fire because of a lack of staffing. This is unconscionable.

This amendment helps to tackle those problems. It does provide the dollars, as has been pointed out on this floor. It goes without saying that both of these programs, the Fire Grant program, and the SAFER program are of critical importance to our Nation's safety. Fire grants provide funding directly to local fire departments.

In fact, we debated within committee whether or not the Homeland Security Act should provide direct aid to municipalities rather than going through the States, and I think we ought to revisit that subject again and again because of the success of the Fire Act.

And the SAFER Act, which we were able to fund for the first time last year, provides annual grants for the purpose of hiring, recruiting and retaining career and volunteer firefighters. Congress has made great strides, but still we need more. We need more. There is more to do.

Across this great country firefighters and fire departments desperately require more folks on the front lines, more personnel, functioning communications, radios and protective gear. There is a reason for the Fire Grant program, that it had 20,300 applications containing close to $3 billion in requested assistance from departments across the country just in this one year.

These are basic needs we are talking about, and at the time the local jurisdictions are facing tough budget decisions in departments, you know, what are the state of our municipalities? All across this country they are laying off firefighters. This amendment could not come at a better time.

So I implore, we listen to the chairman and the ranking member, and we do as we think we should do and pass this amendment. I want to thank both of them for bringing to it the floor.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to add my word of support for the gentleman from Minnesota (Mr. SABO's) amendment and commend him for offering it, and also thank the chairman of our subcommittee, the gentleman from Kentucky (Mr. ROGERS), for his cooperation in working out this accommodation.

Several steps have led us to this point. The President's budget was sorely deficient in the area of first responder funding. The President proposed to cut the State Homeland Security block grants by 25 percent. He proposed to cut the Department of Homeland Security firefighter grants by 30 percent. He proposed to eliminate funding for the SAFER program.

And then when you look at the Department of Justice, at the programs that our law enforcement agencies depend on, the President proposed even more massive cuts, a 95 percent cut in the COPS program and a 98 percent cut in the Justice Assistance grants.

We will, of course, not be able to deal with all of that here today. We will hope that our colleagues on the subcommittee appropriating for the Justice Department will attend to this and repair some of this damage.

But today we can deal with the Homeland Security portion of the President's budget. Our subcommittee already has made some improvements in the bill brought to the floor today. The first responder funding was brought to a 10 percent cut overall, which in terms of the President's budget was a gain. State and local block grants in the bill before us would be cut 11 percent, fire grants by 15 percent, the SAFER program by 23 percent.

The gentleman from Minnesota (Mr. SABO's) amendment takes that progression further, and I commend him for it, because it is money that our communities really need. For fire grant funding, half of the committee's cut from the current fiscal year's level would be restored.

SAFER funding would actually be increased $10 million from the current fiscal year. State block grant funding would be increased but it would still fall $400 million short of the current year.

So we are not talking still about generous funding, funding that is anywhere near as generous as it should be, but we are talking about an improvement, and I hope that colleagues on both sides of the aisle will readily agree to this amendment to the committee bill.

Mr. Chairman, all of us, I suspect, have visited and talked with first responders in our districts. I hope and expect that we have thanked them for what they do, because they serve our communities every day. It is important, though, not just to stop with the lip service. It is important to understand that what we are talking about with fire and law enforcement and other first responders is an essential governmental service in which the Federal Government is a crucial partner.

□ 1415

Sometimes that partnership has been in danger of faltering. We have got to make certain that that does not happen. So we need to do more than say thank you. We need to do more than talk about hometown heroes.

We need to put our money where our rhetoric is. This bill is not all that it should be, but with this amendment I believe we will go some distance toward extending to these first responders the kind of support they need. After all, they are being asked to do some new and demanding things in this post-9/11 world. They need some new equipment. They need new communication capacity. They need some new personnel and training.

So we are preparing to extend that assistance, without forgetting that these first responders have been on the frontlines all along.

Traditional disasters, traditional emergencies have not gone away. In fact, the need for a conventional capacity is as strong or stronger than it ever was.

So let us resolve that we are not merely going to pay lip service to these people on the frontline who defend our communities every day. Let us resolve to strengthen the Federal partnership and provide the Federal support that they need and deserve.

Support the Sabo amendment.

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

I opposed a similar amendment at the full committee level, but that was due largely to the use of IAIP funds to offset this amount. That would have stopped all construction and renovation of that growing directorate.

We have been working with the gentleman from Minnesota (Mr. SABO), the ranking member, on this particular matter. We found a more suitable offset. We have reduced other first responder grant programs in this bill because of poor guidance and large

unspent balances. However, these grants do go directly to the fire departments. There is no choke point issue involved with these funds, and so I enthusiastically support the amendment on the floor and urge its passage.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, let me just simply thank the chairman for his support of the amendment.

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

The amendment was agreed to.

Mr. COX. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Kentucky (Mr. ROGERS), chairman of the Subcommittee on Homeland Security, for purposes of a colloquy.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman for his efforts to work with our subcommittee and the Committee on Appropriations, and I regret that the process of coordination did not go more smoothly.

I should acknowledge that the gentleman has indeed only sought to expose to points of order provisions or conditions that are genuinely authorization provisions, not all provisions against which a point of order would lie. Since the exposed provisions and conditions are, in fact, authorizing provisions, I want to assure the gentleman that in the conference negotiations on such provisions, I will follow the will of the authorizing committee in advancing the House position; and the conference report will, to the greatest extent possible, follow the will of the authorizing committee.

Mr. COX. Mr. Chairman, I thank the gentleman, who has been a true leader on homeland security, for his hard work on this bill and his efforts to reach full agreement with the authorizing committee. I regret the fact that rescheduling this bill to earlier in the week deprived us of the time that would have enabled us to accommodate much of these discussions in advance of reaching the floor. But I want to thank the gentleman for his efforts to reach full agreement with the authorizing committee.

Based on the understanding that the conferees will follow the will of the authorizing committee in advancing the House position in the conference negotiations and, to the greatest extent possible, follow the will of the authorizing committee on the provisions and conditions which are, in fact, authorizing, I will not insist on the points of order exposed to objection under the rule that we just adopted today, and I strongly urge my colleagues to do the same.

AMENDMENT NO. 14 OFFERED BY MR. MENENDEZ

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. MENENDEZ:

Page 3, line 15, insert ''(decreased by $50,000,000)'' after ''$146,084,000''.

Page 26, line 23, insert ''(increased by $50,000,000)'' after ''$2,781,300,000''.

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

Mr. MENENDEZ. Mr. Chairman, the attacks of September 11 made each of us realize that terrorism had entered a whole new realm, one in which our Nation's assets, infrastructure, and people could be attacked by those meaning us harm. The district I have the honor of representing contains a vast number of potential targets of terror, such as the largest seaport on the east coast, one of the busiest airports in the country, an area known as the ''chemical coastway,'' four major chemical plants, and six tunnels and bridges that connect New Jersey to New York City, and if that were not enough, an area in northern New Jersey between Liberty Airport and Port Elizabeth commonly referred to by the FBI and others as the most dangerous 2 miles in America.

The Menendez amendment seeks to address one of the most serious security threats facing our Nation today, and that is the threat of terrorist attacks on chemical plants and facilities.

According to data from the Environmental Protection Agency, there are eight plants in New Jersey where a worst-case release of chemicals could threaten more than 1 million people per attack, and a recent article in the New York Times stated that a chemical plant in my district that possesses chlorine gas poses a potentially lethal threat to 12 million people who live within a 14-mile radius.

So this is obviously a very important matter for the district and State that I come from, but let me make a point here that this is not just simply a New Jersey issue. There are 15,000 chemical plants nationwide, and that same EPA data that I just referenced shows that 123 of these could pose a threat to at least 1 million people each time, if each one of those entities were attacked, if there were a release; 123 times a million, 123 million Americans.

My amendment takes a first step by providing $50 million to State and local governments in order to enhance the security of those chemical plants. Funds might be used by State and local officials to prepare plants to respond to and possibly even prevent attacks on these facilities. This money could be used to equip and train our first responders who would respond to such an attack. Such funds might be used to provide assistance and guidance to the chemical plant officials to implement best management practices that either improve security or use less caustic chemicals, or perhaps this funding could be used to increase law enforcement's presence in patrols around chemical plants. These are just by way of description.

According to the threat level set by the Department of Homeland Security, our local law enforcement agencies are then often asked to provide additional security for these plants. I have heard from several mayors and police chiefs about the serious financial burden those additional patrols are costing their cities, and over time, consequently, their ability to meet this challenge is really under siege; and I am sure this is a problem for law enforcement agencies across our country.

In New Jersey, some of these plants are surrounded by residential communities and transportation corridors that make this issue even more critical for us to secure. I believe if we look at that list of the Environmental Protection Agency across the country we will find that is often the case in other States in the Nation.

I strongly believe we must do what we can to protect our constituents from a clear opportunity here in which millions could be affected by what is otherwise a use of a facility for legitimate purposes.

This is not a new issue or one that is brand new for us. The Hart-Rudman report mentioned chemical plant security. Going back to that report, several of these plants are included on the national infrastructure list. So we are well aware of the problem, and we need to take steps to ensure security at these plants.

I very rarely come to the floor to offer amendments, but I feel compelled when we know the nature of the risk and we know the nature of the threat to do something about it.

This amendment is a modest first step. We do need to make these facilities and our constituents living near them safer and more secure, and I would just urge my colleagues to think about who among us would be content with the counsels of patience and delay if they were living within the radius of one of these chemical plants that could literally cause the deaths of millions of people and we did absolutely nothing to protect them.

In that context, I urge my colleagues to support the Menendez amendment.

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

I rise in support of the Menendez amendment, and I want to mention to the gentleman that I know that he is also familiar with this issue, being the ranking member on the subcommittee on the Committee on Energy and Commerce that has jurisdiction over chemical security; and I would hope that as time goes on that we could in our committee, in the Committee on Energy and Commerce, and specifically in the gentleman's subcommittee, have a hearing and address this issue in a more comprehensive way because I do think it needs to be addressed.

In the meantime, I agree with the gentleman from New Jersey (Mr.

MENENDEZ), my colleague, that we should provide additional funding in this appropriations bill to have our State and local responders try to address this issue in a significant way or at least provide some funding so that they could.

As the gentleman from New Jersey (Mr. MENENDEZ) mentioned, we have a number of facilities in our own State of New Jersey where we know that under this EPA report over 1 million people at each of those facilities could be negatively impacted if there was a terrorist attack on a chemical facility. He mentioned at least eight.

In fact, in a hearing just last week in the United States Senate, Mr. Robert Falkenroth, who was a former Bush official with the Homeland Security Department, actually said before the United States Senate that his biggest fear in terms of another terrorist attack would be an attack on a chemical facility. He knows and we know and the Department of Homeland Security knows that this is the one area in the aftermath of 9/11 that has not been addressed.

We have talked about attacking a nuclear plant. We have talked about attacks on port facilities. We have talked about attacks at airports. In every case, there has been an effort by this body to address a terrorist attack and to deal with security issues at those various facilities, but not so in the case of chemical plants. For whatever reason, we have said to the industry that you are on your own; you voluntarily set your own standards. We have not taken action in the House of Representatives or in the Senate to address the issue, and I think that is a shame.

There have been various occasions in the past, most notably in the case of Bhopal, many of my colleagues just remember we just had the 20th anniversary of the Bhopal disaster. In the case there, Union Carbide owned a plant. It was not a terrorist attack, but the result there was over 20,000 people killed. That was not because of a terrorist attack. That was because of neglect or negligence on the part of Union Carbide. It had nothing to do with a terrorist attack, but the devastation at Bhopal, not the 20,000 that were killed but the hundreds of thousands in the aftermath of that crisis 20 years later, are still suffering, have not received medical attention, the impact on their children and the disorders that they are now seeing with their children, I mean, this is the type of thing that needs to be addressed, and it is not being addressed here.

I think my understanding is that the gentleman from New Jersey's (Mr. MENENDEZ) amendment would shift $50 million to State and local programs to try to get them to address this issue.

□ 1430

Now, I think we need a comprehensive program. Senator CORZINE and myself have introduced the Chemical Security Act, myself here in the House, he in the Senate, which basically establishes a nationwide program that would require that chemical plants provide for security. But absent that, because we have not had that, we have not even had a hearing on it in this House, we need our local responders and our State responders, the way my colleague, the gentleman from New Jersey (Mr. MENENDEZ), has described, to have some money so they can go out and do some things to try to shore up this problem and deal with this problem.

So I just want to say again that this is something we should do. It has been neglected here in the House. Hopefully, we will pass the Menendez amendment. Hopefully, we will have a hearing in our subcommittee, Mr. Chairman, and we can begin the process with this amendment of addressing this very important issue not only for the State of New Jersey but for the Nation as a whole.

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

Mr. Chairman, I fully sympathize with the concerns the gentleman from New Jersey has brought up, and the other gentleman has, about the issue of safety at chemical plants. We have 77,000 of them in the country and 17,000 of those deal with hazardous materials. So it is a big exposure that we have.

However, I have to respectfully urge the defeat of this amendment for two or three reasons. One, we have included $50 million in the bill just for critical infrastructure protection, including chemical plants, already. I know the gentleman will be pleased to hear that we do have that amount of money in there: the amount he is requesting is already in the bill.

Number two, we put in some very strong report language directing the Department to continue and complete the vulnerability assessments of all critical chemical facilities in the country. We have already reduced the State and Urban Area grant programs in this bill because of poor guidance, but mainly because they have still got $6.8 billion that we have appropriated since 2002 in the pipeline. They have only spent 30 percent of all we have appropriated. They have $6.8 billion left in the Office of Domestic Policy, which makes these grants. So there is plenty of money there. There is no point of putting more, until they draw down on what they already have.

Number three, I have a problem with where the gentleman is taking the money from. We have already hit the Under Secretary for Management's Office big time in this bill already. We have taken $26 million today, and this is the place where the important work of the Department needs to take place. If you take this $50 million from the Under Secretary of Management, it could only come from one place without impacting personnel; that is to say, lay off people, and that is the Human Resource System of the Department.

A $50 million reduction in that system would halt implementation of that human resource system program in its tracks. We would be unable to fund the ''pay pool,'' which would prevent the initial conversion of employees from the General Schedule to the new market-based pay bands and the pay-for-performance programs.

We would also be unable to provide competent program management and evaluation. It would delay the establishment of the Department's Labor Relations Board, as required by the final regulations. We would not be able to access knowledgeable outside experts that understand industry best practices in compensation design sets.

We would be unable to fund the training of managers, supervisors, and employees, and that lack of training would also have profound impacts on the credibility of the program with the employee base and their representatives.

So, Mr. Chairman, I reluctantly oppose the amendment, sympathizing with the gentleman's sentiments. But I think we have plenty of money there now, and I do not want to see us hurt the human resource system that is being put in place even as we speak. So I urge the defeat of the amendment.

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

Mr. Chairman, the reason I move to strike the last word rather than speaking directly to the amendment is because I have mixed emotions. I think the problem the gentleman from New Jersey presents to us is one of the most important and most profound ones we face in the whole question of homeland security.

His amendment bothers me for two reasons: One, I think there are real problems where the money is coming from; and, secondly, I am concerned that we are transferring this problem from the Federal Government to the State governments. Because dealing with chemical security and the security of chemical plants is truly a national problem and not one that should be the ultimate problem of State governments.

The Department, in my judgment, has been incredibly slow in dealing with the problem. The Congress has been slow in dealing with the problem. A year ago we provided $3 million to the Department for a study on whether they should require vulnerability assessments and security plans from the chemical plants. The study has not occurred. We do have language in this bill that urges them to do more in the next year. I hope they listen to that more than what they did to the provision of $3 million last year.

But I would suggest to my friend from New Jersey that the format that we should be following is really what we did in the Maritime Transportation Security Act as it relates to ports. What we required in that bill was for ports to do vulnerability assessments and produce security plans themselves,

and that is what the major chemical plants in this country should be doing. We should not be assessing them, they should be developing their own vulnerability assessments and security plans. And then, as in the Maritime Security Act, where the Coast Guard assesses the plans, that is what we should be doing with chemical plants.

The bulk of the responsibility for implementing those security plans should be with the chemical companies, not with the State. It should not be with the Federal Government, in my judgment, let alone with the States. And I am concerned that we are putting up the assumption that this is now becoming a responsibility we are delegating from the Federal Government to the States.

So the gentleman is absolutely right. This is one of the biggest vulnerabilities that we have. The Department has not been paying attention to it. The Congress has not been willing to deal with the issue of whether this is something we want simply the Federal Government to do or whether we should be requiring the chemical plants, at least the major ones, to have the vulnerability assessments and the security plans and then they submit them to the Department for their evaluation. From there, we can move as to how you remedy the security plans and how you make judgment on the funding you need for local people who might have to respond to an emergency.

So I have mixed emotions about this amendment. I have problems with their premise with the offset and the basic delegation to the States, but the amendment raises, I think, one of the most crucial problems we face in homeland security. And to the other gentleman from New Jersey, who talked about a comprehensive bill he was introducing, I think that is the direction we should be going.

Mr. MEEKS of New York. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. MEEKS of New York. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from New York for yielding to me, and I want to thank both the chairman and the ranking member on their thoughtful observations about this issue.

I understand the constraints under which they are working. I am not unmindful of that, which is why I rarely come to the floor on amendments because I understand that all of us could devise a different bill but you are given the responsibility collectively for us. But I would just need to make some comments in observation of what has been said.

Number one is the government's responsibility to protect its own people is not delegable to anyone, the private sector or any other entity outside of the government itself. We might want to place responsibilities, and I agree that there are responsibilities that should be placed upon certain legitimate corporate responsibilities, that should be placed upon people who operate in a society and who have a hazardous element to their operation and need to operate in a way and to protect their facilities in such a way that protects the greater good, but ultimately, ultimately the defense of the people is not delegable to any other entity.

The second point is that when I hear the chairman talk about the $50 million placed in critical infrastructure, I do appreciate that, but that is all critical infrastructure. That is nuclear power plants, that is electric grids, that is everything you can think of that we would develop under the rubric of critical infrastructure. And in that context, while understanding the limitations, it is a relatively small amount when you think about protecting all of the Nation's critical infrastructure.

I do not know, as has been pointed out by law enforcement, as has been pointed out by the Environmental Protection Agency, that this critical infrastructure that we talk about in terms of chemical plants does not come to a higher level, because ultimately the potential attack and emissions and the plumes that come from it can kill literally millions and millions of people. And that, in other respects, I think heightens it among the critical infrastructure that exists.

I understand that people are concerned about the management office, although I will note that that is where we just took money for another critical issue. But if you ask the American people between management and protecting the chemical coastways that are along and throughout the landscape of this country, I think they will tell you I would like to see the chemical coastways protected.

Even if we ultimately ask the private sector, those who operate these chemical plants, to have greater responsibilities, which I concur with, at the end of the day it will be police and firefighters who will respond to an attack. At the end of the day it will be a State policeman who will have to respond. These routes are public in nature. If you run along the New Jersey Turnpike, you can easily have access to that New York Times article and that chlorine plant.

So from a public road, an entity which the private sector would have no responsibility for, an attack could be levied. So, therefore, there are going to be resources necessary for the governmental entities, even with a heightened corporate responsibility, to perform. And that is my concern.

We have had Hart-Rudman talk about chemical plants, we have talked about it in the 9/11 Commission Report, and yet we are nowhere nearer to creating any private responsibility nor are we responding in a public context. Hence, that is my concern, and that is why I offer the amendment.

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

Mr. MEEKS of New York. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, let me reiterate, or support again what my colleague, the gentleman from New Jersey (Mr. MENENDEZ), said. And I appreciate the comments from our ranking member, but the problem is that the House has not been willing to take up, even in our subcommittee, this issue. In other words, it would be great if we had the opportunity to bring up a bill, I have mentioned the Chemical Security Act, that would actually mandate that companies do in fact come up with their own assessment plans to respond in the event of a terrorist attack. I agree that would be a great thing. But, again, we are not moving in that direction. We have not even had a hearing in our subcommittee on this issue.

Absent that, what we need is some money going back to the States. Because under the Menendez amendment, if money was going back to the States specifically for a chemical security response, then a State like our own of New Jersey would be able to take that funding and basically do some of the things that we would like the Federal Government to do that they are not doing.

So this would accomplish that goal at least for those States that want to take the initiative; that they would have some money for their State and local programs to make the chemical companies respond and do something about this threat. The problem now, as our ranking member said, this is not happening. It is strictly left up to the voluntary efforts of the chemical plants, and that is not a good response.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) will be postponed.

□ 1445

Mr. MCCAUL of Texas. Mr. Chairman, I rise to strike the last word.

I rise in strong support of this important bill and for the purpose of engaging in a colloquy with the gentleman from Kentucky (Mr. ROGERS), the chairman of the Committee on Appropriations Subcommittee on Homeland Security.

Since the tragic events of 9/11 and the subsequent creation of the Department of Homeland Security, there has been a dramatic increase in the number of undocumented aliens apprehended at our borders. And last year alone, approximately 1.2 million people were apprehended at our southwest border. It is

conservatively estimated by border patrol that three undocumented aliens get past our borders for every one that is caught. It is estimated also that the number of non-Mexican illegal immigrants, also known as OTMs, entering our country has increased tremendously in some border patrol sectors by 300 percent this year.

This group, often not on any watch lists and usually lacking legitimate documentation, should cause us all great concern. Despite the risk these persons present, the problem has grown because courts will not impose detection and because the Department of Homeland Security lacks adequate detention space.

As a former counterterrorism prosecutor in the Justice Department whose jurisdiction included the Mexican border, I know firsthand the threat this poses to our national security. When the border patrol catches individuals who do not fall in the category of mandatory detainees, they often have no choice but to release them on their own recognizance with a notice to appear at an immigration hearing, only to disappear later. It is commonly derided by law enforcement as the ''catch-and-release program.'' This is exactly how Ramzi Yousef, the al Qaeda perpetrator of the 1993 World Trade Center bombings entered this country.

This is why I, along with the support of 44 of my colleagues on both sides of the aisle, signed a letter to the Committee on Appropriations asking for full funding of the 2000 border patrol, 800 interior investigators and most importantly, 8,000 detention beds recommended by the 9/11 Commission and authorized by the Intelligence Reform Act.

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

Mr. MCCAUL of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman from Texas is absolutely correct. There is a definite problem with our system that we hope to correct.

The bill before us provides $690 million, $90 million more than DHS asked, for an additional 1,920 detention bed spaces; and that combined with what we provided in the supplemental appropriations bill last week will add a total of 3,870 new beds over the current level. In addition, the bill provides $43 million for alternatives to detention, tripling last year's level and $10 million more than DHS requested. That will go further to attack the problem of the so-called OTMs who abuse our immigration policies and leave a gaping hole in the integrity of the borders.

I am convinced that the so-called catch-and-release practice signals that our current system is in need of significant reform. This bill is intended to make an effort in that respect.

Mr. MCCAUL of Texas. The Chairman has worked hard to produce a bill that will fund additional border security enforcement and detention space within budgetary limitations and supports expanding the use of alternatives to detention as a way of compensating for the shortage of bed space and smart solutions to the bigger problem of coping with the numbers of illegal aliens crossing into our country.

I will continue to work with the chairman and the Committee on the Budget to ensure that in the future detention beds authorized by Congress are fully funded.

I thank the chairman, and I commend the gentleman for taking the time to hear the concerns of our border communities and for responding so readily. All of the items provided for in this bill will help keep criminals and terrorists from crossing into the United States and, when they do, ensure that they are detained and removed from our country.

In the post-9/11 world, this is not just an issue related to immigration; it is one of national security.

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

Mr. Chairman, I would like to thank the gentleman from Kentucky (Chairman ROGERS) of the Subcommittee on Homeland Security for entering into this colloquy regarding a very important issue.

As was the case last year, the administration's budget for fiscal year 2006 proposes to transfer funding for the Coast Guard's research and development program to the Department of Homeland Security Science and Technology Directorate. The Department has justified this proposal by suggesting that such a transfer would reduce duplicative programs within the Department and would increase cooperation between agencies. Now, if the Coast Guard R&D program consisted purely of research related to homeland security, I might be able to understand such a transfer. However, Coast Guard R&D supports research and investigations into methods and procedures to improve the service's ability to carry out many of its traditional missions.

At this time, I would ask the chairman if it is his understanding that the Coast Guard's research, development, test and evaluation program will continue to sponsor research to support the service's traditional missions.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, yes, I agree that the program should focus on both the traditional and homeland security missions of the Coast Guard.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for his willingness to address this important issue.

When the Coast Guard was transferred to the Department of Homeland Security, this Congress ensured that the service's unique multi-mission character would be retained. We must maintain the Coast Guard's ability to carry out its many missions, including search and rescue, illegal drug and migrant interdiction, fisheries law enforcement, and protecting the maritime security.

Tomorrow, the Committee on Transportation and Infrastructure will mark up H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, which authorizes funding for the Coast Guard's R&D program within the Coast Guard budget.

So I ask the chairman if he will work with me and my colleagues to find a solution to ensure that the Coast Guard retains control over the direction of this funding.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman will continue to yield, I recognize the gentleman's concerns. We will work with him on this subject if the authorization bill retains R&D funding within the Coast Guard for fiscal year 2006.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for his willingness to work with me on this matter. I am satisfied we will be able to work this out.

Mr. Chairman, I include for the RECORD statements by the chairman of the Committee on Transportation and the Infrastructure, the gentleman from Alaska (Mr. YOUNG); and the chairman of the Subcommittee on the Coast Guard, the gentleman from New Jersey (Mr. LOBIONDO), in support of this issue.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of the Simmons-LoBiondo amendment, and I thank my friend from Connecticut for bringing this important amendment to the floor.

This amendment will maintain the integrity of the Coast Guard as a distinct entity within the Department of Homeland Security.

Section 888 of the Homeland Security Act states that the Coast Guard shall be maintained intact with all of the Service's authorities, functions, and capabilities.

The Coast Guard's research and development program has in the past concentrated on the development of strategies and resources aimed to improve the Service's ability to perform all of its traditional and homeland security missions.

The Coast Guard's traditional missions include search and rescue, drug and migrant interdiction, marine environmental protection, ice operations and aids to navigation.

It is imperative that we maintain the Coast Guard's ability to perform these important traditional missions in addition to the Service's homeland security mission.

Just this year, we have seen the importance of the Coast Guard's oil spill response and prevention program.

I am extremely concerned that the transfer of research and development funds to the Department will forever change the Coast Guard's abilities to balance its resources and personnel to carry out its many and varied missions.

We must protect the multi-mission nature of the Coast Guard.

We should provide funding for Coast Guard research, development, test and evaluation directly to the Service in the same manner that we provide all other Coast Guard funds.

This is what the law demands and this is the right thing to do.

I urge my fellow members to support the Simmons-LoBiondo amendment.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Connecticut.

As my colleague explained, this amendment will restore the Coast Guard's research and development funding to the Service's budget. The removal of this funding from the Coast Guard's direct control will constrict the Service's ability to direct funding to research programs to support both the Coast Guard's traditional and homeland security missions.

Mr. Chairman, this is the second year that the Administration has proposed to transfer this funding to the Department of Homeland Security's Science and Technology Directorate. The Administration has reasoned that the consolidation of research programs within the Department will reduce redundancies and maximize resources available for the entire Department. However, this reasoning does not take into account the strong focus of the Coast Guard's research program to improve the Service's capabilities to carry out its traditional missions of search and rescue, providing aids to navigation, oil spill response and prevention, and illegal drug and migrant interdiction.

Last year, the Coast Guard identified several key areas of concentration for its research and development programs that focused on enhancement to the Coast Guard's maritime safety, maritime mobility, marine environmental protection, and maritime domain awareness programs. I cannot help but be very skeptical that the Coast Guard's research and development program will continue to support such a broad scope of investigations under a DHS program that is wholly devoted to improving homeland security.

The Coast Guard has always been and has continued to be a unique, multi-mission Service within the Federal government. As such, Congress required the Coast Guard to remain an independent entity within the Department of Homeland Security with complete control over all of the Service's functions, authorities, and assets. Any changes to the Coast Guard's research and development program will restrict the Service's ability to improve methods to protect the safety and security of lives and vessels in U.S. waters and on the high seas.

I urge my colleagues to support this amendment and to maintain the integrity of the Coast Guard by restoring funding for the Service's research and development program. I thank the gentleman from Connecticut again for bringing forth this amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I applaud the great work the chairman and the ranking member are doing on this bill, but also wish to express my deep concerns and ask for a colloquy with the chairman.

We are not paying enough attention to the northern border of the United States. Unless they represent the border States like Minnesota, some Members may not realize that the U.S.-Canada border is over 4,000 miles long and consists of over 430 official and unofficial ports of entry. However, even with recent staffing moves, moves that I commend, the Customs and Border Patrol has only 1,000 agents along the northern border. That compares to over 10,000 agents on the border which is half the length of the U.S.-Canada border.

This staffing shortage along the northern border poses a real security threat. In fact, due to the shortage, the Department of Homeland Security has looked for new ways to monitor the Canadian border, such as a new proposed requirement for passports to get back and forth across the border. Unfortunately, anyone who has spent time up north knows this will not accomplish much to deter or prevent illegal activities or to secure the border.

Simply put, the Canadian border is just too vast for such an approach to work with many unmanned check points in remote areas. I know from personal stories that at some of these unmanned crossings, people have to wait an hour or more before a border patrol agent can come to lift up the gate so they can cross.

Mr. Chairman, we do not expect al Qaeda and narcotics traffickers to wait an hour for the border patrol to show up at the check point. We have already recognized in numerous laws that high-tech border surveillance must be integrated into the manpower and resources we have up there to get real control over our borders.

In the prior year's Defense Authorization Act, in the prior year's Homeland Security Appropriations Act, and in this year's Intelligence Reform Act, Congress recognized the need to develop high-tech border surveillance. However, what little progress the Department of Homeland Security has made on this front has been entirely confined to the southern border even with the $10 million appropriated in this bill last year. Mr. Chairman, this is unacceptable. We simply are not paying enough attention to the northern border.

Some think the southern border is more dangerous, but I remind my colleagues that terrorists will attack us through the path of least resistance. I believe it is critical that the funds allocated to the Customs and Border Patrol accounts used to pay much-needed research and survey technology, including unmanned aerial vehicles, be not solely devoted to the southern border but also to the northern border to stretch the resources our Custom and Border Patrol manpower has.

Mr. Chairman, I ask that the gentleman from Kentucky work with me to ensure that there is sufficient resources in the bill and in the conference report to address these issues and that it be applied not just to the southern border but to the northern border as well.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for bringing up this important subject. The gentleman makes an extremely important point, and that is we have two borders, the southwest and the Canadian border.

Over the years, I have to agree, we have neglected the northern border. So I join the gentleman in his sentiments that we find the monies, or be sure that the monies we have appropriated are spent on both borders. I thank the gentleman for bringing up that very important point.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the gentleman for that commitment and look forward to working with him on this through the conference report.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, in the supplemental bill that we just passed, there was $36 million that had been appropriated for the northern border which the Department was not spending, and with the cooperation of the chairman, we inserted specific language telling the Department to spend the $36 million on the northern border.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the ranking member for his commitment on this issue and look forward to working on this supplemental and other issues to ensure that the northern border remains secure.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. KING of Iowa) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $18,505,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $303,700,000; of which $75,756,000 shall be available for salaries and expenses; and of which $227,944,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the

United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Department shall report within 180 days of enactment of this Act on its enterprise architecture and other strategic planning activities in accordance with the terms and conditions specified in the House report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $83,017,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $10,617,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

AUTOMATION MODERNIZATION

For necessary expenses of the United State Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note) and for the development, deployment, and use of Free and Secure Trade (FAST), NEXUS, and Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), $411,232,000, to remain available until expended, which shall be allocated as follows:

(1) $7,000,000 for FAST.

(2) $14,000,000 for NEXUS/SENTRI.

(3) $390,232,000 for the United States Visitor and Immigrant Status Indicator Technology project: *Provided*, That of the funds provided for this project, $254,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(A) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(B) complies with the Department of Homeland Security enterprise information systems architecture;

(C) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(D) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(E) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,885,544,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $35,000 shall be for official reception and representation expenses; of which not less than $141,060,000 shall be for Air and Marine Operations; of which not to exceed $174,800,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of the Bureau of Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Under Secretary for Border and Transportation Security, or a designee, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, $10,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives all required reports related to air and marine operations: *Provided further*, That of the total amount provided, $2,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives a report on the performance of the Immigration Advisory Program as directed in House Report 108–541: *Provided further*, That of the total amount provided, $70,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives part two of the report on the performance of the Container Security Initiative progam, as directed in House Report 180–541: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $458,009,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security's enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(5) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $347,780,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $93,418,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $3,064,081,000, of which not to exceed $10,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less

than $203,000 shall be for Project Alert; of which not less than $5,000,000 shall be for costs to implement section 287(g) of the Immigration and Nationality Act, as amended; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed $2,000,000 shall remain available until expended: *Provided further*, That of the amounts appropriated, $50,000,000 shall not be available for obligation until the Assistant Secretary of Immigration and Customs Enforcement submits to the Committee on Appropriations of the House of Representatives a national detention management plan including the use of regional detention contracts and alternatives to detention: *Provided further*, That the Assistant Secretary of Immigration and Customs Enforcement, with concurrence of the Secretary of Homeland Security, shall submit, by December 1, 2005, to the Committee on Appropriations of the House of Representatives a plan for the expanded use of Immigration Enforcement Agents to enforce administrative violations of United States immigration laws.

□ 1500

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 12, line 20, after the first dollar amount insert the following: ''(reduced by $5,000,000)(increased by $5,000,000)''.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. KING of Iowa. Mr. Chairman, I am offering this amendment to establish how $5 million is spent with regard to the homeland security.

I rise today to offer this amendment to promote participation of employers in the Basic Pilot Employment Eligibility Verification System, a program I like to call Instant Check. This program takes the guesswork out of hiring legal employees. This basic pilot program checks the Social Security Administration and Department of Human Services databases using an automated system so that employers can verify the employment authorization of all of their new hires. This program is voluntary and is free to participating employers. All an employer needs is a computer with an Internet connection, which most everyone has.

My amendment would make it easier for employers to hire legal workers. By using this program, employers no longer have to worry about whether the identification documents used to fill out the required I–9 form are real or forgeries. I have personally used this program and found it easy to use. It was Web-based and gave me an answer quickly. The longest wait for Instant Check that I could devise was 6 seconds.

My amendment would also improve the accuracy of wage and tax reporting. Employees would know after the check whether their information is properly recorded at the Social Security Administration and with the immigration services. If there were any mistakes, they could be corrected so that employees would get proper credit for their Social Security contributions.

This amendment also protects jobs for authorized United States workers. By using this instant check verification program, employers can be sure that they are hiring either U.S. citizens or aliens who are authorized to work in the United States.

The program began in November 1997 with five States in a pilot program, added a sixth State in 1999, and as of December 1, 2004, this basic pilot program has been available to employers in all 50 States. I hope that more employers will take advantage of this and verify their employees. Given that Immigration and Customs Enforcement has the authority to sanction employers for hiring illegal workers, it only makes sense that they should also encourage employers to use the free instant check verification program so that employers can avoid breaking the law.

We need to reduce and weaken the jobs magnet. This is something that does that, the Basic Pilot Employment Eligibility Verification System. I call it Instant Check. The Web page is www.vis-dhs.com/employerregistration.

This amendment simply inserts $5 million and withdraws $5 million in a pro forma effort to direct that funding in a fashion that will promote the Instant Check program. That would be the most effective way of utilizing it. It seems to be somewhat of a trade secret that employers can now verify the employability of their employees.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $698,860,000, of which not to exceed $5,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $40,150,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(5) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,546,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing aviation security, $4,591,612,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be available for official reception and representation expenses: *Provided*, That of the total amount provided under this heading, not to exceed $3,608,599,000 shall be for screening operations, of which $170,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $983,013,000 shall be for aviation security direction and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,601,612,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall become available during fiscal year 2007: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, the Government's share of the cost of a project under any letter of intent shall be 75 percent for any medium or large hub airport and 90 percent for any other airport, and all funding provided by subsection (h) of such section, or from appropriations authorized by subsection (i)(1) of such section, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I rise to raise a point of order against the paragraph.

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

Mr. MICA. Mr. Chairman, I rise to raise a point of order against page 17 beginning with the colon on line 2 through ''intent'' on line 11.

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

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

The Chair is prepared to rule.

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

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

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

Mr. Chairman, first of all, I commend the chairman and ranking member on a very difficult task. I regret that on this particular language, as you may know, the Subcommittee on Aviation of the Committee on Transportation and Infrastructure want to fund even more than the 75 percent that was proposed in this particular provision of in-line systems.

Again, it was necessary to raise a point of order here. I just want to comment briefly, though, about what we are doing here and what we are not doing here. This section appropriates about $4.6 billion to continue the passenger screening and checked baggage screening system that we have. This, unfortunately, is funded through a passenger tax. It is now $2.50 and $5 maximum for a one-way ticket. It is a fee to pay the security fee.

Members and the public should be aware that right now we are running about a $2 billion shortfall. We assumed this responsibility from the airlines. In addition, the airlines had promised and testified before us that they were paying about a billion dollars and would pay a billion dollars each year if we assumed this responsibility. They have reneged in that responsibility; and last year they paid us $315 million, short some $700 million.

The administration proposed increasing this fee by $3. I proposed increasing it by $2.50 and change this system from a heavy personnel system, in fact, some 45,000 people, an army of TSA personnel which according to the Inspector General and according to the GAO do not perform very well because they do not have the technology.

I propose to impose this fee for a 3-year period and at that point to eliminate the tax and also assist the airlines in the meantime with some of their security finance responsibilities. Right now that has been rejected, both the fee to pay for this by the administration and my proposal. What it does is it leaves us at risk. We have a huge army doing a very poor job because they do not have a high-tech system. That is going to cost money, that money is not in the bill, and I am sad that we are going to pass this legislation.

I raise this because I still want this to be a conferenceable item because we must protect the people of this country and the flying public, and we are not doing so with this provision, and we are not financing it adequately with this provision.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $36,000,000, to remain available until September 30, 2007.

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs by the Office of Transportation Vetting and Credentialing, $84,294,000.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence activities, $541,008,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, $50,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection machines, at the Nation's airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and long-term costs; and (2) a detailed spend plan for explosive detection systems procurement and installations on an airport-by-airport basis for fiscal year 2006: *Provided further*, That these plans shall be submitted no later than 60 days after enactment of this Act.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note), and recreation and welfare, $5,500,000,000, of which $1,200,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $119,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $798,152,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $22,000,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $29,902,000 shall be available until September 30, 2010, to increase aviation capability; of which $130,100,000 shall be available until September 30, 2008, for other equipment; of which $39,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which $76,450,000 shall be available for personnel compensation and benefits and related costs; and of which $500,000,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008, only for Rescue 21: *Provided further*, That of the funds appropriated under this heading for the Integrated Deepwater System, $50,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives receives from the Secretary of Homeland Security a new Deepwater program baseline that reflects revised, post September 11th operational priorities that includes—

(1) a detailed justification for each new Deepwater asset that is determined to be necessary to fulfill homeland and national security functions or multi-agency procurements as identified by the Joint Requirements Council;

(2) a comprehensive timeline for the entire Deepwater program, including an asset-by-asset breakdown, aligned with the comprehensive acquisition timeline and revised mission needs statement, that also details the phase-out of legacy assets and the phase-in of new, replacement assets on an annual basis;

(3) a comparison of the revised acquisition timeline against the original Deepwater timeline;

(4) an aggregate total cost of the program that aligns with the revised mission needs statement, acquisition timeline and asset-by-asset breakdown;

(5) a detailed projection of the remaining operational lifespan of every type of legacy cutter and aircraft; and

(6) a detailed progress report on command, control, communications, computers, intelligence, surveillance, and reconnaissance equipment upgrades that includes what has been installed currently on operational assets and when such equipment will be installed on all remaining Deepwater legacy assets: *Provided further*, That the Secretary shall annually submit to the Committee on Appropriations of the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committee on Appropriations of the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,228,981,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,678,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2007: *Provided further*, That of the total amount appropriated, not less than $10,000,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until September 30, 2007: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $3,546,000: *Provided*, That not to exceed $2,000 shall be for official reception and representation expenses.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,781,300,000, which shall be allocated as follows:

(1) $750,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) $1,215,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $850,000,000 shall be for use in high-threat, high-density urban areas;

(B) $150,000,000 shall be for port security grants, which shall be distributed based on risks and vulnerabilities: *Provided*, That the Office of State and Local Government Coordination and Preparedness shall work with the Information Analysis and Infrastructure Protection Directorate to assess the risk associated with each port and with the Coast Guard to evaluate the vulnerability of each port: *Provided further*, That funding may only be made available to those projects recommended by the Coast Guard Captain of the Port;

(C) $5,000,000 shall be for trucking industry security grants;

(D) $10,000,000 shall be for intercity bus security grants;

(E) $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) $50,000,000 shall be for buffer zone protection grants:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(3) $50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $366,300,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities; for minor perimeter security projects, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further*, That the proceeding proviso shall not apply to grants under subparagraphs (B) and (E) of paragraph (2) of this heading: *Provided further*, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: *Provided further*, That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office of State and Local Government Coordination and Preparedness shall issue the final National Preparedness Goal no later than October 1, 2005; and no funds provided under paragraphs (1) and (2)(A) shall be awarded to States that have not submitted to the Office of State and Local Government Coordination and Preparedness an updated State homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005.

AMENDMENT OFFERED BY MR. LATOURETTE

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

The Clerk read as follows:

Amendment offered by Mr. LATOURETTE:

Page 28, line 5, after the semicolon insert ''and''.

Page 28, strike lines 6 through 13.

Page 28, line 14, strike ''(F)'' and insert ''(C)''.

Mr. LATOURETTE. Mr. Chairman, it is my intention to ask unanimous consent to withdraw the amendment at the conclusion of my remarks. I want to commend Chairman LEWIS of the full committee, Chairman ROGERS of the subcommittee, and also Chairman YOUNG of the Committee on Transportation and Infrastructure for having dialogues on these particular sections.

These sections in H.R. 2360 make appropriations to three State and local grant programs that are not and have never been authorized, specifically, a trucking industry security grant system, an inner city bus security grants

and inner city rail, freight rail and transit security grants. In each of these areas, the Department of Transportation has existing and ongoing security programs that are managed at the Federal and State level by the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and State safety oversight agencies.

The FRA act provides the Federal Railroad Administration with strong authority to promote rail safety in every aspect of rail operations. The FRA has a robust and active inspector workforce that is on the ground every day inspecting the safety and security of America's freight railroads, and the same with the truck safety and the same with the bus safety.

I want to commend the appropriations subcommittee for looking at this problem, but I want to point out that, one, there is no authorization from the Committee on Transportation and Infrastructure; two, it is my understanding in the homeland security bill that will be on the floor tomorrow there is no authorization as well.

One of the problems that we have seen in the Committee on Transportation and Infrastructure right here in the District of Columbia, Mr. Chairman, is the city council and the District of Columbia when they have looked at a pot of money or when they have looked at a program that has been passed by homeland security but has not gone back and referenced the Federal Rail Act have said, You know what? No more trains going through the District of Columbia. You are going to have copycat legislation like this all over the United States of America.

It is my understanding, and I would invite the distinguished subcommittee chairman to comment if he would want to, that Chairman LEWIS and Chairman YOUNG have talked about the fact that we need to make sure that we do not create an overlay of law and regulation that permits these NIMBY things to pop up. Obviously, everybody in this House wants the safest rail system, safest trucking system, and the safest inner-city bus systems in the world. But we cannot do it if we create a fund over here, a fund over there, and a fund over there.

I would hope that the chairman perhaps could commit to us to working as this bill goes to conference to see how we can put these into existing programs or work out new programs that achieve what I know the chairman is trying to achieve.

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

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

□ 1515

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman brings up a good point, and I think the gentleman would agree that since 9/11 we have spent most of the Transportation Security money on air flight and we have neglected, I think, rail security and port security and bus security and some of the others, trucking. However, I will be happy to work with him so that we do have moneys that are designated for these particular purposes, so that the Department does not have the capability of spending it all in one place. I think it is important that we do have, if we can get it through the authorization process, kitties destined just for rail, just for ports, just for trucks, buses, and the like.

Does the gentleman agree?

Mr. LATOURETTE. Mr. Chairman, reclaiming my time, I do agree. And I want to thank the distinguished subcommittee chairman. I know some of the frustration that some of us have felt is that the TSA should be named the Aviation Security Administration rather than the Transportation Security Administration. So I know that what the gentleman and the subcommittee were attempting to do was shared by at least this gentleman and I would assume most of the people in the Committee on Transportation and Infrastructure.

Our concern, and I think our concern has always been, as we move forward, that we not create two parallel universes, neither of which has sufficient money to get this job done. And the only purpose of this amendment, which I am going to withdraw when I am through yielding to the gentleman, was that we look at existing programs that already exist and if we want to put $150 million dollars in for rail security that it go to the FTA and that we say that it is going to be used only for security and it is not going to be used for other goofy stuff.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman is right on track and I think we can agree with it.

Mr. LATOURETTE. Mr. Chairman, I thank the chairman for his agreement.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $600,000,000, of which $550,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $50,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of the Act, to remain available until September 30, 2007: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

COUNTERTERRORISM FUND

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

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $2,306,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Directorate of Emergency Preparedness and Response, $249,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Directorate of Emergency Preparedness and Response, $225,441,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

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

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the

Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided,* That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further,* That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,023,900,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; not to exceed $40,000,000 for financial assistance under section 1361A of such Act to States and communities for taking actions under such section with respect to severe repetitive loss properties, to remain available until expended; not to exceed $10,000,000 for mitigation actions under section 1323 of such Act; and not to exceed $99,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to $40,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: *Provided,* That in fiscal year 2006, no funds in excess of (1) $55,000,000 for operating expenses; (2) $660,148,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $40,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: *Provided,* That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further,* That total administrative costs shall not exceed 3 percent of the total appropriation.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against, beginning with the colon on page 36, line 19, through ''funds'' on line 22.

The CHAIRMAN. Would the gentlemen state the premise of his point of order? Does the gentleman raise a point of order that the provision supersedes existing law?

Mr. ROGERS of Kentucky. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

EMERGENCY FOOD AND SHELTER

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

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

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $120,000,000: *Provided,* That the Director of United States Citizenship and Immigration Services shall submit to the Committee on Appropriations of the House of Representatives a report on its information technology transformation efforts and how these efforts align with the enterprise architecture standards of the Department of Homeland Security within 90 days of enactment of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That in fiscal year 2006 and thereafter, the Center is authorized to assess pecuniary liability against Center employees and students for losses or destruction of government property due to gross negligence or willful misconduct and to set off any resulting debts due the United States by Center employees and students, without their consent, against current payments due the employees and students for their services.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $64,743,000, to remain available until expended: *Provided,* That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $198,200,000: *Provided,* That not to exceed $5,000 shall be for official reception and representation expenses.

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $663,240,000, to remain available until September 30, 2007.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $81,399,000: *Provided,* That not to exceed $3,000 shall be for official reception and representation expenses.

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

Mr. Chairman, I would like to engage the gentleman from Kentucky in a colloquy regarding critical funding that still must be realized in this bill.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from California.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky (Mr. ROGERS) for all his great work on this very difficult bill. We know that homeland security is an issue that is at the forefront of all Americans' minds with a lot of competing priorities. I know the gentleman from Kentucky (Mr. ROGERS) has worked hard to accommodate all of these competing programs. We appreciate that he still has a lot of

work to do, and we appreciate all the great work he did in the past in building that border fence that is presently in the number one smugglers corridor in America between California and Mexico.

And as the chairman knows, we have been constructing that border barrier for a number of years. In fact, I remember the days when a number of border patrolmen held a big sign up saying ''Thank you, Hal Rogers'' for the work that he has done. That fence has been a huge success in stopping drug smuggling, alien smuggling, lawlessness and the murders in that section of the border.

Unfortunately, the fence remains incomplete. And recently we provided the Secretary of the Department of Homeland Security with the authority passed by the full House to expeditiously construct border barriers, and I am specifically interested in that 3½ miles that remain on the San Diego border fence project.

Unfortunately, the construction account in this bill is insufficient to meet the needs of that nationally critical project, and each day that we delay this project becomes more expensive, and with every day that we delay we know that people are crossing in this section of the border, many of whom have criminal records, and we are further mindful of the intelligence reports that have indicated that terrorists are seeking to use this section of the border for access into the U.S.

Mr. Chairman, we understand that the chairman's bill provides $93 million for Customs and Border Protection construction. Can we agree to work with him to ensure that adequate funding is dedicated to this project in fiscal year 2006?

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, it will be my pleasure to work with the gentleman and delegation on this project.

In fact, I remember not long ago, perhaps last year, helicoptering along that fence and then getting to the gap where there is no fence and seeing the results of that. So I will be happy to work with the gentleman.

Mr. HUNTER. Mr. Chairman, I thank the chairman for his response.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM), a very important member of our delegation and a real advocate for this border fence and border security.

Mr. CUNNINGHAM. Mr. Chairman, we appreciate the chairman's efforts and especially the efforts of his staff to increase the number of Border Patrol agents above the amount requested by the President. As he could see, Members on both sides of the aisle have spoken to this issue over and over.

I serve as a member of the Permanent Select Committee on Intelligence, and may I have his commitment to work towards achieving the target of Border Patrol agents of 2,000 authorized in the Intelligence Reform and Terrorism Prevention Act of 2005 and also recommended by the 9/11 Commission?

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I will be glad to work with the gentleman and all of our colleagues toward that goal.

In fact, between the supplemental bill that passed last week and this bill that is on the floor, if it is successful, we will have added some 1,500 new agents between now and next year. So we are getting closer to his goal.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I now yield to the gentleman from California (Mr. COX), chairman of the Committee on Homeland Security.

Mr. COX. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to commend the gentleman from Kentucky for the funding that is already in this bill that gets us to 1,500 agents, which he just described, and I am very pleased to hear that he is going to work with us to get to the 2,000 Border Patrol agents.

As the gentleman knows, the Homeland Security Authorization Act, which will be on the floor this week, also authorizes funding for 2,000 new Border Patrol agents in fiscal year 2006. This is the same number that was authorized in the 9/11 Commission Recommendations Implementation Act. Moreover, an important part of 2,000 new agents is the expansion of the Border Patrol training facilities.

Will the chairman work with us to ensure that the funding for these 2,000 new Border Patrol agents, who are critical to our national security, and the accompanying training infrastructure necessary to do so, will be a priority?

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, it is a priority of mine. I am delighted to hear the gentlemen who are standing with me here today all agree on this topic.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the chairman for his work for border security and for our country.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,258,597,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $23,000,000 is available to find an alternative site for the National Bio and Agrodefense Laboratory and other pre-construction activities to establish research labs to protect animal and public health from high consequence animal and zoonotic diseases, in support of the requirements of Homeland Security Presidential Directives 9 and 10: *Provided further*, That of the total amount provided under this heading, $10,000,000 shall be used to enhance activities toward implementation of section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193).

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

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

Ms. BEAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of provisions in this bill that appropriate $110 million to the Department of Homeland Security's research into shoulder-fired missile defense for our passenger airlines. I have been working closely with the gentleman from New York (Mr. ISRAEL) to address this very real threat to our passenger jets from shoulder-fired missiles.

The global black market has been flooded with hundreds of thousands of these weapons that are now in the possession of 27 separate terrorist groups around the world. Al Qaeda used them in 2002 to attack an Israeli airliner in Kenya, and terrorists in Iraq came close to shooting down a DHL freight plane leaving Baghdad in 2003. According to the FBI, more than 500 civilians worldwide have been killed in successful missile attacks against commercial aircraft. The State Department has stated that one of the leading causes of loss of human life in aviation has been from shoulder-launched attacks.

Our commercial aircraft passengers deserve from Congress vigilance and commitment to their safety.

Mr. Chairman, the technology to defend American passengers from this threat is almost a reality. Right now DHS-sponsored programs to apply the Department of Defense's research and technology to our domestic passenger jets are nearing their last phase of development and are ready to equip test aircraft for operational evaluation.

This research brings us very close to leveraging the proven technology that has successfully protected our military personnel to commercial aircraft and their customers. Cutting support for this program would be short-sighted at a time when we are just around the corner from a cutting edge defense against terrorists' anticraft missiles. Now is the time instead to move aggressively forward to address this threat.

Mr. Chairman, the President, the DHS, and the State Department all agree that this is important research with important ramifications. I urge my colleagues to support the President's full request for funding of this research and to work together with all of our colleagues in moving beyond the pilot phase to fully protecting our airlines and their passengers from anti-aircraft missiles.

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

Mr. Chairman, I want to take this opportunity to thank the chairman of the Homeland Security Subcommittee of the Committee on Appropriations. I also want to thank the gentleman from California (Mr. COX), chairman of the authorizing Committee on Homeland Security; and the gentleman from California (Mr. LEWIS), the chairman of the full Committee on Appropriations, for working out what I consider to be a good agreement to leave in this bill the $110 million that the administration has requested for continuing both the development and deployment of MANPADs, shoulder-launched missile defense system for our commercial aircraft.

□ 1530

I know border protection is a very popular agenda item on the populace front, but I think folks send us to Congress not only to protect our borders and deal with the populace issues in putting resources where public opinion and popular opinion would have those dollars, but also to look at the risks and the threat. Today, we face the threat of someone walking through 1950 metal detector technology at our airports which we see across the country, metal detectors, and strapping explosives to their body and not being able to detect explosives. That is our number one threat right now is suicide bombers. In my opinion, the second greatest threat is a shoulder-launched missile.

Now, folks, we have been very fortunate to date in Kenya and Saudi Arabia and Iraq that we have not had a commercial airline with passengers taken down. I think our luck is about to run out, and it is important that we move forward.

Sometimes the administration, that is my administration, has not done everything right, but this is one of the few programs I may say in homeland security that was well thought-out, well-developed, and now the next part is deploying that technology. If, in fact, there is money left over and it is not expended in the program, and that would be my hope, I would support every additional dollar to go towards those priorities this subcommittee has developed for securing our borders.

But I do want to thank everyone for reaching this agreement; hopefully, moving forward in the conference committee, and making certain that we have the resources to protect us, again, against what I consider is our second greatest danger, and that is the danger of a shoulder-launched missile taking down a commercial aircraft. We have to have a system available to protect our aircraft.

The Acting CHAIRMAN (Mr. SHIMKUS). The Clerk will read.

The Clerk read as follows:

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

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

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

(d) The Department shall submit all notifications pursuant to subsections (a), (b), and (c) of this section no later than June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: *Provided,* That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

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

SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000 unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and House of Representatives at least 3 full business days in advance: *Provided,* That no notification shall involve funds that are not available for obligation.

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

SEC. 509. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and/or advanced law enforcement training at all four training facilities under FLETC's control to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

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

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. Funding for the Transportation Security Administration's Office of Transportation Security Support, Office of the Administrator, shall be reduced by $100,000 per day for each day after enactment of this Act that the second proviso of section 513 of Public Law 108–334 has not been implemented.

SEC. 513. The Commandant of the Coast Guard shall provide to the Committee on Appropriations of the House of Representatives each year, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

SEC. 514. Notwithstanding section 3302 of title 31, United States Code, beginning in fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 515. Beginning in fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 516. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, the Bureau of Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided,* That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section.

SEC. 517. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 518. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office (GAO) reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(d) None of the funds provided in this or any previous appropriations Act may be utilized to develop or test algorithms assigning risk to passengers whose names are not on government watch lists.

(e) None of the funds provided in this appropriations Act may be utilized for a database that is obtained from or remains under the control of a non-Federal entity.

SEC. 519. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 521. None of the funds available in this Act or provided hereafter shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 522. The Secretary of Homeland Security shall develop screening standards and protocols to more thoroughly screen all types of air cargo on passenger and cargo aircraft by March 1, 2006: *Provided,* That these screening standards and protocols shall be developed in consultation with the industry stakeholders: *Provided further,* That these screening standards and protocols shall be developed in conjunction with the research and development of technologies that will permit screening of all high-risk air cargo: *Provided further,* That of the amounts appropriated in this Act for the ''Office of the Secretary and Executive Management'', $10,000,000 shall not be available for obligation until new air cargo screening standards and protocols are implemented.

SEC. 523. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided,* That beginning with November 2005, TSA shall provide a monthly report to the Committee on Appropriations of the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month thereafter.

SEC. 524. The Secretary of Homeland Security shall implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport 90 days after enactment of this Act.

SEC. 525. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility: *Provided,* That no funding can be obligated for the next phase of production until the Committee on Appropriations of the House of Representatives has been fully briefed on the results of the prototype phase and agrees that the program should move forward.

SEC. 526. (a) From the unexpended balances of the United States Coast Guard ''Acquisition, Construction and Improvements'' account specifically identified in statement of managers language for Integrated Deepwater System patrol boats 110- to 123-foot conversion in fiscal years 2004 and 2005, $83,999,942 are rescinded.

(b) For the necessary expenses of the United States Coast Guard for ''Acquisition, Construction and Improvements'', $83,999,942 is made available to procure new 110-foot patrol boats or for major maintenance availability for the current 110-foot patrol boat fleet: *Provided,* That such funds shall remain available until expended.

SEC. 527. The Secretary of Homeland Security shall utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program, the transportation worker identification credential program, and other applicable programs for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a central activation, revocation, and transaction hub for participating airports, ports, and other points of presence.

SEC. 528. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay or prohibit the transmission to Congress of, any report prepared pursuant to paragraph (5) of such section.

SEC. 529. No funding provided in this or previous appropriations Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) who has not received COTR training.

SEC. 530. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to the Transportation Security Administration in fiscal years 2002 and 2003, and to the Transportation Security Administration, ''Aviation Security'' and ''Administration'' in fiscal years 2004 and 2005, that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems.

SEC. 531. From the unobligated balances available in the ''Department of Homeland Security Working Capital Fund'' established by section 506 of Public Law 108–90, $7,000,000 are hereby rescinded.

SEC. 532. Notwithstanding any other provision of law, the Committee withholds from obligation $25,000,000 from the Directorate of Emergency Preparedness and Response, Administrative and Regional Operations, until the direction in the statement of managers accompanying Public Law 108–324 and House Report 108–541 is completed.

SEC. 533. None of the funds appropriated under this Act or any other Act shall be available for processing petitions under section 214(c) of the Immigration and Nationality Act relating to nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act until the authority provided in section 214(g)(5)(C) of such Act is being implemented such that, in any fiscal year in which the total number of aliens who are issued visas or otherwise provided nonimmigrant status subject to the numerical limitation under section 101(a)(15)(H)(i)(b) of such Act reaches the numerical limitation contained in section 214(g)(1)(A) of such Act,, up to 20,000 additional aliens who have earned a master's or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act.

SEC. 534. None of the funds provided in this Act shall be used to pay the salaries of more

than sixty Transportation Security Administration employees who have the authority to designate documents as Sensitive Security Information (SSI). In addition, $10,000,000 is not available for the Department-wide Office of Security until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) the titles of all documents currently designated as SSI; (2) Department-wide policies on SSI designation; (3) Department-wide SSI designation auditing policies and procedures; and (4) the total number of staff and offices authorized to designate SSI documents within the Department.

SEC. 535. None of the funds appropriated by this Act may be used to change the name of the Coast Guard Station ''Group St. Petersburg''.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 55, line 25 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The Acting CHAIRMAN. Are there any points of order against any pending portion of the bill?

If not, are there any amendments to this portion?

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDO:

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

SEC. 536. None of the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. SABO. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Minnesota (Mr. SABO) reserves a point of order.

Mr. TANCREDO. Mr. Chairman, my amendment would prevent State and local governments who refuse to share information with Federal immigration authorities from being able to obtain Federal funds under this act. These so-called ''sanctuary'' policies are not only misguided and dangerous; they are also illegal.

Section 642(a) of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 already makes it illegal for State and local governments to prevent their police from interrupting the free exchange of information between State and local police and Federal immigration enforcement authorities. Nonetheless, many local governments adopt policies that explicitly prevent their police officers from cooperating with Immigration and Customs Enforcement agents.

When local governments refuse to share information with Federal immigration authorities, police departments often stop and/or arrest criminal aliens time and again, only to release them without ever having checked their immigration status. As a result, instead of being deported, these aliens move on to commit other crimes oftentimes.

Earlier this month in Colorado, for example, one Denver policeman was killed and another severely wounded by an illegal alien who had come into contact with police in Denver at least three times prior to the incident. He remains at large today.

Another illegal alien in the Denver area who is now awaiting trial for a hit-and-run killing of a man, and he had been arrested, by the way, six times since 1996 and even spent time in jail in Boulder, Colorado, a sanctuary city, by the way; yet, because cooperation between police departments and Immigration and Customs Enforcement was restricted, he was never reported. He goes on trial in July.

The city of Denver, like many other cities, has a sanctuary policy that violates Federal law. Their police manual explicitly prohibits officers from initiating actions whose objective is to ''discover the immigration status of a person.'' The manual also prohibits police from detaining or taking any enforcement action against a person ''solely because he or she is suspected of being an undocumented immigrant.''

These two components of city policy not only prohibit local police from communicating with immigration authorities as required by Federal law, the policy prohibits them from obtaining basic information that might be central to their investigation. The policy sends a clear message to local police when they encounter illegal aliens: don't ask, don't tell. That kind of policy violates both the letter and intent of the 1996 law.

My amendment would put an end to this practice by withholding Federal funds from States and localities that have made an affirmative choice to violate Federal law. In essence, the amendment simply says that if you make a choice to violate Federal law, then you are making a choice to forego Federal funds. It is a choice I think that few cities are willing to make.

Mr. SABO. Mr. Chairman, under my reservation, would the gentleman yield?

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

Mr. SABO. Mr. Chairman, I will continue to reserve my point of order, and I move to strike the last word.

Mr. Chairman, I would like to have the gentleman explain the amendment to me. What is it that somebody at the Federal level has to do?

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

Mr. SABO. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, at the Federal level a determination would be made as to whether or not a city has the policies that we have just identified; and if so, then that city would be prohibited from obtaining Federal funds under this act.

Mr. SABO. Mr. Chairman, reclaiming my time, who would make this determination?

Mr. TANCREDO. The Department of Justice, the Department of Homeland Security. It is really not up to me to make that decision.

Mr. SABO. How would they know how to make this judgment?

Mr. TANCREDO. Many of these policies are on record; in fact, all of them are on record throughout the country. They are easily obtainable and observable.

Mr. SABO. How would they proceed to make this judgment?

Mr. TANCREDO. Mr. Chairman, if they can read, they can make the judgment.

Mr. SABO. Are all these laws filed with the Justice Department and the Department of Homeland Security?

Mr. TANCREDO. Well, they are certainly, again, available to every single person in the Department of Justice and Homeland Security because they are printed. These are all laws and/or executive orders. This requires no new determination.

Mr. SABO. So they know today?

Mr. TANCREDO. Absolutely.

Mr. SABO. If any town is doing this?

Mr. TANCREDO. Yes, sir.

Mr. SABO. Is there some registry of that?

Mr. TANCREDO. Well, as I have just explained, in city after city, and, in fact, not too long ago if memory serves me right, the State of Maine actually declared itself to be a sanctuary State. These are not things that are hidden from anybody. These are, in fact, on the books in States in their localities to which we refer. The stuff I used here came right out of the Denver police manual. These are not hidden from anybody.

Mr. SABO. Mr. Chairman, I know they are not hidden, but somebody has to find out. I have no idea how many endless grants they are making. The departments make an endless number of grants, and some of them flow to the State which then flow to local governments. In other cases, some go directly to ports.

Mr. TANCREDO. Mr. Chairman, if the gentleman will yield, perhaps the gentleman's concern goes back to the law.

What I am talking about is adding a penalty to the law. The law is on the books; I am not creating law here. The law is a Federal law; it was passed in 1996. The only thing we are doing is adding some sort of penalty to the violation of the law. So the fact that we have had it now for almost 10 years, it seems to me that we are not creating any new problem for any of these departments, and if the gentleman is concerned about the law itself, then that is where he should perhaps address his concerns.

POINT OF ORDER

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

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

Mr. SABO. Mr. Chairman, I think, clearly, as the author of the amendment says, he clearly is legislating on an appropriations bill and, therefore, violating clause 2 of rule XI. By his most recent statement, he is expanding penalties for the existing law.

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

Mr. TANCREDO. Mr. Chairman, once again, we are not expanding the law in any way, shape, or form. We are simply applying a penalty. That does not expand the law.

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

The Chair is prepared to rule.

The language of the amendment merely requires the Federal official administering these funds to comply with Federal law. A new duty is not required on the face of the amendment. Therefore, the point of order is overruled and the amendment is in order.

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

This is an amendment I think we voted on several years ago, in some variety of it.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota strikes the requisite number of words.

There was no objection.

□ 1545

Mr. SABO. Mr. Chairman, I have no idea what the full impact of this amendment will be. We voted on it, I think, in the last 2 or 3 years. I think generally it has lost by a significant number of votes. What its impact on local governments is, I think is unpredictable. There are hundreds and thousands of different local units of government, potentially receiving aid under this bill, which we would cut off because of their failure to give some information to the Federal Government.

I just think it is a totally wrong focus on what our problems are in this country. We have real problems with immigration. The real problems relate to how we deal with our borders. The real problem deals with how we deal with undocumented people in this country who have violated criminal laws of this country.

And to start harassing every unit of government, large or small, depending on what information they send to the Federal Government, tying that to they are eligible for funding to deal with basic homeland security in this country, I think is just a serious mistake. I would hope the House would reject this amendment.

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the amendment being offered by Congressman TANCREDO. The amendment does not only target victims of crime, it is dangerous to the very security of our homeland. This amendment coerces state and local police officers to step into the role of federal immigration agents. And if they do not assume this responsibility—they are punished.

I ask—who benefits from such a system? Does such a system mean safer streets? No. As the son of a New York City police officer, I am very aware of the importance of trust between local police and the communities they serve. If an immigrant fears talking to police—there will be fewer reported crimes, fewer witnesses offering information, and more dangerous streets for all of us. Does this amendment mean better national security? No. Under this amendment, foreign nationals who might otherwise be helpful to security investigations will only be more reluctant to come forward. Does this amendment mean better communication between localities, states, and the Department of Homeland Security? No. Cities with these quote-unquote "sanctuary policies" are already often the ones who communicate with DHS most regularly—to deal with foreign nationals who have committed crimes.

Does this amendment mean crime victims will be better protected? Sadly, no. Crime victims who unfortunately happen to be immigrants will fear their immigration status might be called into question, and will avoid stepping forward to seek justice. So who benefits from this amendment? People who don't like immigrants and people who mean our country serious harm. Instead of working to support the efforts of state and local police. Instead of working to make reasonable improvements to our immigration system. Instead of state and local governments being able to decide which policies allow them to best "serve and protect" their communities. Instead—we get an amendment that pushes people further underground, leaving our cities even more vulnerable to terrorist threats. If some are interested in scapegoating hard-working immigrants across the US who contribute to our country, schools, cities, and tax base every day—then at the very least we should avoid jeopardizing our homeland security in the process. A "yes" vote on this amendment is a vote for Osama bin Laden; a "no" vote is a vote for America.

I urge a "no" vote on this very un-American and very dangerous amendment.

The Acting CHAIRMAN. (Mr. SHIMKUS) The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Mr. SABO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 Offered by Mr. TOM DAVIS of Virginia:

At the end of section 516, add the following:

Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

Mr. TOM DAVIS of Virginia. Mr. Chairman, there is a very serious government-wide backlog of security clearance investigations which has caused unacceptable delays in the process. This threatens national security, and it costs taxpayers a lot of money. Because there are so few security clearances and so much work to do, we are overpaying people because of the work. It is just the law of supply and demand.

This backlog is the result of poorly designed management structures and a lack of clearance reciprocity. As a result the Committee on Government Reform, which I chair, held a hearing, and we authored legislation that was included in the 9/11 Act to address the structural problems that plague the security clearance system throughout the government.

Given the longevity of this problem, it is understandable that government agencies and Congressional committees have sought out their own ways to try to avoid bottlenecks in clearance processes.

Section 516 of this bill is just such a work-around. It gives DHS the authority to continue to conduct clearance investigations for itself because government-wide it continues to be very dysfunctional.

The 9/11 Act reforms addressed the managerial chaos that has plagued security clearance policy by creating a new oversight authority for all Federal security clearance policy. Although this new oversight entity will likely grant a number of agencies the authority to continue to conduct their own investigations, it will also be responsible for developing and enforcing consistent standards for investigations across government. We need to give it a chance to do that.

Under this amendment, the Congressionally mandated oversight authority will be responsible for ensuring that investigations for DHS security clearances are done in the most timely and efficient manner once the 9/11 Act reforms take effect, once they take effect. This will keep us on the path to security clearance process reform for all agencies and safeguard both national security and the pocketbooks of the American taxpayer.

I would ask all Members to support this amendment.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, before the gentleman from Virginia yields back, let me say that the

gentleman has brought forth a very important matter, and it is a matter that he, as chairman of his authorizing committee, has worked with us and our staff over the last several weeks very admirably, and I appreciate the willingness of the chairman to work with us in this, and we were happy to work with him.

So I am prepared to accept the amendment, with the congratulations to the chairman, and thanks for his great work in this respect.

Mr. TOM DAVIS of Virginia. Reclaiming my time, Mr. Chairman, I want to thank the gentleman from Kentucky (Mr. ROGERS) and I want to thank the minority for working with us. I understand their frustration.

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

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

Mr. SABO. Mr. Chairman, it is a good amendment. Hopefully we will adopt it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask Members to support the amendment.

The Acting Chairman. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

Mr. MICA. Mr. Chairman, I move to strike the last word and engage in a colloquy with the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. Chairman, again, I want to express my gratitude to the chairman of the Appropriations subcommittee, the gentleman from Kentucky (Mr. ROGERS), who has done such a great job on this H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006.

As you know, I had planned to raise a point of order on section 524, which directs the Secretary of Homeland Security to implement a security plan to permit general aviation at Ronald Reagan National Airport as legislating on an appropriations bill. However, I did not do that because I think we share the same intent.

And the gentleman from Kentucky (Chairman ROGERS) has put a provision here in section 524 that does require a plan. However, I think the chairman is aware and realizes that the committee bill passed; that is, the Committee on Transportation bill. In our Subcommittee on Aviation's work done on it, H.R. 1496 has even tougher language directing the opening of Ronald Reagan National Airport. That is our intent, and working with the appropriators, I believe that it will be your intent to also include a strong provision and directive provision in conference, or as this bill proceeds.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I want to commend the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation, for his valued work in this and many, many areas. We agree on 99 percent of the things that we work on. This is one of them. That is the opening of Reagan Airport to limited general aviation aircraft, as you and I both have for the last 3 years been talking with the Department and other agencies downtown about the need to reopen that airport, at least on a limited basis to general aviation aircraft, and they keep promising a plan, a plan, a plan, and it has been 3 years. And, you know, we won World War II in 4 years, and we can't even think about reopening an airport here in these 3 years.

So it is time to do something, and so in our bill, Mr. Chairman, we direct the Department to bring a plan forward and reopen that airport in 90 days after enactment of this act. And I know that is authorizing language. But I appreciate the gentleman who has jurisdiction over this issue letting us do this at this point in time, because I think he and I share the same view.

We may not be able to pass an authorization bill during the year, so this is sort of a backup procedure. And if you pass an authorization bill dealing with the subject, we will happily stand back and take second fiddle.

Mr. MICA. I thank the gentleman, and in spite of the incident that we had last week, and that was not a planned scheduled arrival, it was a departure from what we are talking about and properly opening National Airport to general aviation, I think, again working together, that we can find a plan that will work and not let the terrorists intimidate us in operating our Nation's capital airport.

Thank you.

Mr. ROGERS of Kentucky. I think probably what the gentleman and myself have been talking about is a plan that reopens that airport at least to charter aircraft who would undergo the same security rigmarole that commercial airliners do today: Background check of the crew and passengers, background check of the owner of the plane, searching passengers' baggage as we do commercial passengers, the same rigmarole that we go on through on commercial passengers today on commercial craft.

Is that the gentleman's understanding?

Mr. MICA. Except for too much rigmarole, I think that we are on the same page. Again I thank you for your cooperation and your leadership, and together I think we will have a chance to open with a sensible, safe, secure plan to general aviation our Nation's capital airport.

AMENDMENT NO. 10 OFFERED BY MR. POE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. POE:

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

SEC. 509. None of the funds made available under this Act may be used to carry out section 105(a)(4) and (5) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 44917(a)(4) and (5)).

Mr. POE. Mr. Chairman, first of all, I applaud the chairman for this bill to better protect America. I would, however, like to highlight an unfunded Federal security mandate on the already struggling airline industry. The airline industry is an important sector of the American economy, with increasing fuel costs and taxes, though the industry lost $9.1 billion last year alone and has lost $32 billion since September 11, 2001.

Currently taxes and fees comprise 26 percent of an average $200 airplane ticket. While the Federal Government has taken over much of the security for airlines after the terrorist attacks of September 11, airlines are still paying $777 million annually out of their own pocket for unfunded Federal security mandates, such as catering security, security for checkpoints and exit lanes, and first flight cabin sweeps.

The people loading the peanuts, for example, the airlines are forced to expend $81 million on not only their salaries, but the security checks on these caterers, the people who mark your ticket up with the red crayon at the checkpoint and exit lanes. Airlines, not the government, dispense $79 million on these folks, and the first class cabin sweep crew that inspects the plane prior to boarding, the people who check for bombs in the bathrooms, airlines pay $26 million for them. Perhaps the most and largest unfunded mandate, however, is the Federal Air Marshal Service, which costs the airlines $195 million each year.

Under current law, Federal air marshals are permitted to fly without a cost to the Federal Government or the marshal. Air marshals fly to better protect the cockpit. The Air Transport Association estimates the airlines are losing $195 million a year in opportunity costs by losing these seats.

Continental Airlines, for example, the carrier based out of Houston, Texas, part of which is in my Congressional district, loses between $7 and $9 million in displaced revenue annually. This estimate reflects losses not from being able to sell the Federal air marshal's seat at full fare. Moreover, Continental will pay the Department of Homeland Security $239 million in taxes in 2005 and is currently paying another $312 million in unfunded security mandates.

So my amendment would simply prohibit funds being spent in the bill to support this unfunded Federal security mandate that allows the Federal Air Marshal Service to fly for free. The Federal Government has deemed aviation security a national security issue, as it is. It is only fair that the government fully assume these costs, and not saddle them on the airlines.

In fact, at least two laws signed in the past two sessions have provisions that support Congressional intent for the Federal Government to reasonably pay for aviation security costs. Both the Aviation and Transportation Security Act and Vision 100, the Century of Aviation Reauthorization Act, authorized funds for reimbursement of airport security mandates.

The Poe amendment preserves the ability of Federal air marshals to fly on our airlines, protect our passengers and crew, but it would allow the carriers to charge the government a fare. Airlines like Continental support this amendment because it would enable them to collect a minimal fare, the government fare or the lowest fare available upon booking for Federal air marshal seats.

Mr. Chairman, some may argue that it is the airline's responsibility to provide for security, and they are partially correct. Already airlines cough up scores of dollars to comply with Federal regulations. The Federal Airline Administration reports that full deployment of hardened cockpit doors meeting outlined specifications have been implemented on about 10,000 passenger airlines and foreign aircraft flying to and the from the United States. Expenditures on video monitors and other devices to alert pilots to cabin activity as well as guns in the cockpit are just a few of the other efforts undertaken by the airline industry, all of which are in addition to the hundreds of millions of dollars they incur in unfunded Federal security mandates.

We must bring some relief to these carriers by reducing these unfunded Federal mandates that they are expected to pay out of their pocket. I urge my colleagues to help preserve this vital industry and start by supporting my amendment to allow airlines to collect the minimal government fare on seats filled by Federal air marshals.

□ 1600

We want to keep the airlines flying and help them before they are in a situation of bankruptcy.

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

Mr. Chairman, we have 50,000 employees in the Transportation Security Administration, and they make it safe to fly on airlines. The United States Government is paying the bill.

We have hundreds of millions of dollars worth of x-ray machines that we have put in every airport in the country to be sure that the people flying the airlines are safe. Uncle Sam is paying the bill.

I could go on. The airlines requested that we have marshals on board airplanes so they can say it is safe to their customers for flying on airlines. Uncle Sam pays the bill.

The law says that if we put these marshals on airplanes that the airline will pay their fare or not charge the fare. It does not cost the government anything to do it because it is a service that we are providing. And who pays the salaries of the marshals? Uncle Sam.

Now, they come and say, oh, but you have got to pay a first-class fee for this air marshal, protecting your plane, to fly on your plane? Give me a break.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I will give the gentleman a break. I totally agree with the gentleman.

The biggest benefactor of all the airline security is the airline industry. Something happened post-9/11. We had to provide billions of dollars to loan guarantees to keep them operating.

I recall where many speeches on the new Transportation Security Agency was it was going to be fully paid for. I think over half of the money comes from general revenue today.

I find this amendment sort of unbelievable that the airlines would want us to do this. I totally agree with the gentleman. This amendment should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

First of all, Mr. Chairman, I think one of the assets or structures that we have on this floor is to respect a Member's good intention; and my colleague from Texas, I want to acknowledge his good intentions. I would hope that we would have an opportunity to work through the concern expressed here.

But I rise to express my support for the U.S. air marshals and the hard work or heavy lifting that they do on the Nation's airlines every single day and in the Nation's airports. They are not supposed to be noticed, but those of us who happen to be frequent fliers are aware of their service, and they are ready and prepared on some of the more difficult flights that we have, coming to certain regions in the United States.

I would only hope that as we debate this amendment in the midst of fees and expense that I know is borne by our airlines, that we think about the service of these men and women in particular that confront dangers on our behalf on the Nation's airlines.

So I would beg to differ with the gentleman's amendment because I stand in support of the air marshals, and I would hope that there could be some response to the cost, some way of adding or eliminating the burden that our airlines face; but I could not imagine us suffering the loss of these air marshals which we determined were important to us after 9/11. Even though we have given enhanced equipment on airlines, more training to pilots, we are attempting to train our airlines or flight stewards, and we are doing a better job, though it is not a requirement. I believe airlines are doing a better job of informing and training their flight stewards and flight attendants, but I still believe that our flights are better and safer for marshals' existence.

I would hope that our colleagues would act accordingly in reference to this amendment, and I would ask that they support the air marshals in this instance because I believe their work is extremely important.

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

The gentleman from Texas, I am sure, has an excellent intention and is interested in helping the airlines. Some of them are struggling, and we do need to help the airlines; but sometimes the airlines do not even help themselves.

I would rise in strong opposition to this amendment. There is probably no economic activity that we support in this country more than our commercial airlines. The chairman has correctly pointed out, 4.5, almost $6 billion in this legislation is for passenger screening, of which we only collect less than half of that. We have a $2 billion-plus shortage that the general taxpayer is paying.

If this amendment was crafted so that we charged the airlines for putting the air marshal on, I might agree with my colleague because we have a shortfall.

I also stated earlier, the airlines came before the Subcommittee on Aviation when we crafted the TSA bill and pledged to pay it $1 billion. That is what they said they would pay if we took away from the airlines, who had that responsibility, the responsibility for passenger screening. Do my colleagues know what they paid last year? Let me repeat it again, $315 million, a shortfall of almost $700 million. So I will be darned if I am going to stand here and support an amendment that would in any way reimburse them for the great expenses.

Look at the event of last week. Not only do we have the apparent expenses; we spent some $20 billion on passenger screening on a system that I have great questions about, but we have also spent billions of dollars in training the pilots to be armed. I supported that program, I promoted that program; but most of those pilots do not go at airline expense. They go at their own expense, spend a week of their time. They are not reimbursed; and now we will have more pilots armed on our aircraft this year than we will have air marshals. They are not getting a darn penny for reimbursement.

So, again, I think we have gone over backwards. We spent $5 billion we appropriated for reimbursements for damages directly related to the events of September 11 to our major airlines. We gave them another $3 billion. Some of that they deserve; some of that they did not deserve in reimbursement. Then we set up a $10 billion loan guarantee fund, of which they only used about $2 billion; but we have done everything, and now they refuse to do anything to help us.

They cannot even collect an additional fee. They are collecting $2.50. I said if we put in a high-tech system, that would double the security fee but get rid of half of the screeners in 3 years, and allow them to keep all $300 million they are now paying and up to a half a billion dollars. They cannot even do the math to keep that money. So I will be darned if I will get up and support giving them one more penny when they will not pay their own fair share.

So I think the amendment is well intended. I salute the gentleman for trying to help the aviation industry. I will join with him, but this is not the vehicle; and it is not the reimbursement that we should be providing in this appropriations measure.

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

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

Mr. POE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. POE) will be postponed.

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEKS of New York:

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

SEC. 536. None of the funds appropriated or otherwise made available in this Act may be used to close any detention facility operated by or on behalf of U.S. Immigration and Customs Enforcement that has been operational in 2005.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 10 minutes equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise today to urge my colleagues to adopt this amendment, which I hope will cease the recent actions of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement to begin closing the only secure detention center in New York City for noncriminal foreign nationals who enter our country illegally.

Closing this facility and releasing these individuals into the streets, as ICE is beginning to do, without conducting a proper screening, endangers the safety and security of New York City. The Queens detention facility has been utilized by ICE and its predecessor, INS, since 1989. Located within 4 miles of John F. Kennedy International Airport, the facility houses and processes detainees until their status can be determined. ICE oftentimes cannot properly classify a person as ''high risk'' or ''low risk'' at the initial questioning at John F. Kennedy Airport. Only after an investigation, while the individual is detained, can ICE determine whether the individual poses a threat. If it is determined that the entrant has criminal intent, they are transferred to a more secure facility for follow-up.

For example, a co-conspirator in the first World Trade Center bombing slipped through ICE's initial questioning at JFK and was subsequently identified by Queens detention facility personnel as a high-risk individual after they discovered bomb-making plans on this individual. Consequently, many high-risk individuals slip through the cracks initially and are only later identified as high-risk while they are in custody at the Queens detention facility.

In a recent correspondence, my colleagues and I who represent New York City urged the director of ICE, who may become our city's next U.S. Attorney, to halt its efforts to close the only secure noncriminal detention facility in New York City. We know this is New York City now, but it could be where any noncriminal detention facility is in the United States tomorrow; and in this day and age in which we currently live in, we have got to make sure that we are sure that individuals who have entered illegally into this country, that we may have detained, we have got to dot every I and cross every T to make sure we rely on no one to slip through the process.

So to just close what is happening at this facility now, right next to JFK in my district, to just close it in the manner in which they are closing it, just releasing people on the streets, at times we talk about how are you communicating with the individuals that are being released. It is simply by telephonic measures, not even by ankle bracelets or anything else. It endangers the entire population of New York; and I say if it is New York City today, it could be anywhere in the United States of America tomorrow.

So I ask and urge my colleagues to support this amendment which will ensure that this essential facility which serves a vital role in New York City, as well as the country's first line of defense, remain open.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 3 minutes.

This amendment unnecessarily limits ICE's ability to efficiently manage the limited detention bed space that it has. The fluid nature of enforcement actions by ICE and changing migration patterns around the country mean that demands for detention space across the country changes from day to day, week to week, month to month, year to year.

This bill stresses efficiency and maximizing our limited resources. This amendment would prevent ICE from closing inefficient or unneeded facilities.

This bill already requires a report from the Department on its detention management strategy; and until we see the result of that report, I think this amendment is premature.

We do not like to handcuff an agency without having all of the relevant information on the issue; but I would hate to see us say to ICE, you cannot close any facility ever because it changes the migration patterns of illegal immigration changes from day to day.

So I would urge that we defeat the amendment.

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

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that what we are looking at right now, the situation where ICE is moving in my district, in this particular facility and the next clearly in the immigration pattern in New York is one where it is very high, coming through John F. Kennedy, which is the gateway to America, if you will.

So when we have a facility like the facility that is currently in the district, to close it without any rationale or reason, then I think that we are defeating ourselves and defeating the security that is necessary to prevent people who enter this country illegally, some who could be very dangerous, from just walking the streets of the City of New York.

□ 1615

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

The Acting CHAIRMAN (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

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

Mr. MEEKS of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. MEEKS) will be postponed.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIAHRT:

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

SEC. 536. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. TIAHRT. Mr. Chairman, I believe that the content of this amendment

should be a part of the debate that we are having on every agency that we are going to fund this year through the Federal budget. Over the last generation, this government has made this country less and less competitive through the regulatory process.

If you look to last year, last year we had a $670 billion trade deficit. Our Federal budget deficit grew and we saw a lot of outsourcing of jobs. Well, if you combine that with what we are seeing happen across the world, pointed out by Thomas Friedman in his book ''The World is Flat,'' China is graduating 350,000 engineers every year. India is graduating 80,000 software engineers. They are attempting to create an Asian Union, which would be an economy of about 3 billion people.

The world is becoming more and more competitive, and part of the reason that we are becoming less and less competitive, part of the reason why we are seeing this trade deficit is because of our regulatory process. But it just does not stop there. We also have problems with litigation, and we need to reform our system because right now the lawsuits are driving up the cost of American products. A good example of how this could change is when common sense limits are put on litigation, such as the statute of repose, where the aircraft industry accepted through the legislation common sense limits on liability and 4,000 jobs were created the very next year. We could apply that to other industries.

Our health care system needs to be reformed. Today, in Kansas, for every hour of health care it takes an hour to comply with regulations, actually, more than an hour, 1.1 hours, on average, of regulatory compliance.

We need to reform our tax policy, our education policy, and our trade policy. We need to have research and development enhancements and we need regulatory reform. Regulatory reform can be a biting part of our government that can stop and stall the economic progress.

If you look at the current regulatory burden on businesses today, about 12 percent of the cost of any product is buried in complying with regulations. If we could cut that in half, we would be at least 5 to 6 percent more competitive worldwide.

So if we are going to find solutions to balancing our trade deficit, to balancing our Federal budget, and to start bringing jobs into America instead of seeing them outsourced out of America, we need to look at every agency and not promulgate regulations that conflict with the competitiveness of American businesses.

Mr. Chairman, I would like to see if the chairman of the Homeland Security Subcommittee thinks we could work together to see that we do not get regulations that would be overly burdensome on American businesses through the Department of Homeland Security. Does the gentleman think he could help me with that task?

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman has brought up a very important point, and I would be delighted to work with the gentleman. He is a valued member of our committee and, on top of that, he is a very hard worker. So I would be happy to work with the gentleman.

Mr. TIAHRT. Mr. Chairman, I thank the chairman for those good words and, hopefully, through the effort of our combined work we can make sure we do not have any overly burdensome regulations.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 10 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on my amendment No. 10 to the end that it stand rejected by voice vote thereon.

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

There was no objection.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

SEC. ____. (a) The amounts otherwise provided in this Act for the following accounts are hereby increased by the following sums:

(1) ''Customs and Border Protection—Salaries and Expenses'', $95,000,000.

(2) ''Customs and Border Protection—Construction'', $25,000,000.

(3) ''Immigration and Customs Enforcement—Salaries and Expenses'', $266,000,000.

(4) ''Federal Law Enforcement Training Center—Salaries and Expenses'', $9,000,000.

(5) ''Federal Law Enforcement Training Center—Acquisitions, Construction, Improvements, and Related Expenses'', $5,000,000.

(b) For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109–13, div. B) to assist States in conforming with minimum drivers' license standards, there is hereby appropriated $100,000,000.

(c) In the case of taxpayers with adjusted gross income in excess of $1,000,000 for calendar year 2006, the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. 107–16) and the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 1.562 percent.

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

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, if this is the REAL ID with tax offset amendment, I reserve a point of order on the gentleman's amendment.

Mr. OBEY. Mr. Chairman, let me explain what this is. We have had a steady stream of Members for weeks now decrying the fact we just do not have enough resources to do the job we ought to be doing in homeland security or in transportation or in education or in health care or any other endeavor of the Federal Government. The fact is that we do not have those needed available resources because the Members of this House have put themselves in a box. They have done that by, in essence, saying that their number one priority above all others is to provide very large tax cuts for people very high up on the income scale.

Example: This year if you make over $1 million you will get, on average, about a $140,000 tax cut. What I am trying to do here today is to do two things. I am trying to, first of all, help the Congress keep the promises that it made just 6 months ago. Therefore, this amendment would provide an additional $500 million to the Department of Homeland Security to meet the staffing and detention bed space increases that were called for in the Intelligence Reform Act and to allow States to meet the driver's license standards that were just imposed on those States by this Congress 2 weeks ago.

So my amendment is simple. First of all, it adds 500 more people to the Border Patrol. Second, it adds 600 people to the immigration inspector workforce. And thirdly, it adds 4,000 more detention beds so that we can keep the promises laid out in the Intelligence Reform bill.

Finally, we would fund the grant program that is authorized by the REAL ID Act, which the Congress attached a couple of weeks ago. I did not support that act. I did not vote for it. It was attached as a nongermane amendment to the appropriations bill. But we are told by the Congressional Budget Office it will cost about $100 million to implement. We are told by the Council of State Legislative Leaders it will cost $500 million to implement. That is a huge mandate however you slice it that we are laying on the backs of State budgets.

So what I am simply suggesting is we can do both of these things by simply scaling back by a tiny amount that super-sized tax cut for people with super-sized incomes of over $1 million. We would simply cut that average $140,000 tax cut to $138,000, and we would have more than enough to fund these operations.

The Committee on Rules did not allow this amendment to be made in order. That means that the only way it can be considered is if no one raises a point of order against it. I would hope they would not do so. This is a minor adjustment that we would make in the super-sized tax cuts in order to provide significantly more security for the entire country. I think it is worth the investment, and I would urge support for

the amendment, assuming that no one decides to lodge a point of order against the amendment.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because its proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part ''an amendment to a general appropriations bill shall not be in order if changing existing law.''

This amendment changes the application of existing law, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I must concede that under the rule that brought this bill to the floor, this amendment is not in order. I regret it. I think the country would be a whole lot better off if we passed the amendment. But I concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

SEC. ____. For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109–13, div. B) to assist States in conforming with minimum drivers' license standards there is hereby appropriated; and the amounts otherwise provided by this Act for ''Office of the Secretary and Executive Management'' , ''Office of the Under Secretary for Management'', ''Office of the Under Secretary for Border and Transportation Security—Salaries and Expenses'', ''Information Analysis and Infrastructure Protection—Management and Administration'', and ''Science and Technology—Research, Development, Acquisition and Operations'', are hereby reduced by; $100,000,000, $20,000,000, $20,000,000, $2,000,000, $8,000,000, and $50,000,000, respectively.

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

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided between the proponents and myself, the opponent.

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

There was no objection.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

This is a scaled-back version of the first amendment I just offered. It does not have the tax offset. It is fully offset by other reductions in this bill, and what it tries to do is to correct the problem that I cited just a moment ago.

Just 2 weeks ago, this House passed a nongermane proposal which established an elaborate and convoluted and Rube Goldberg process by which every American will have to obtain their driver's license in the future. It is going to require added security arrangements for every office that issues State driver's licenses if those licenses are going to be allowed to serve as an ID card when climbing on an airplane. It provides substantial additional duties which will be imposed on States and be imposed on the Department of Homeland Security itself.

Now, I do not know whose cost estimate is correct. I do not know whether the Congressional Budget Office is correct when it says that this will only be an unfunded mandate of $100 million or whether the National Conference of State Legislative Leaders is correct when they say that the unfunded mandate will amount to about $500 million in cost. But for the moment, in deference to my conservative friends on the other side of the aisle, I am assuming the conservative estimate of cost is the accurate one, the one laid out by the Congressional Budget Office.

So I am simply urging that we in fact provide for the States grant program that was authorized in that REAL ID proposal that the majority was so anxious to bring to the House floor just 2 weeks ago. We in the minority had nothing to do with the writing. We in the minority were not consulted on the language. We in the minority were not consulted about the idea of imposing another mandate. We were just told ''take it or leave it.'' And so it is now the law of the land.

Now, I am not in any way reducing accounts below last year's funding level. All we are doing is reducing some of the Secretary's management accounts by a portion of the increases that this bill provides.

□ 1630

The science and technology account, for instance, is being reduced by $50 million of the $55 million increase. That still leaves a small increase.

The Office of Secretary Executive Management will still retain a $7 million increase.

I think we have hard choices to make, and I am not afraid to suggest that I think it is a better use of resources to put this money where the amendment tries to put it to at least keep the majority consistent with its promise in the Contract With America, the good old Contract With America which Congress passed 10 years ago and promised that there would be no more unfunded mandates.

I am just trying to help keep a Republican promise, and I am sure I will have enthusiastic support of Members on the majority side of the aisle.

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

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

The Acting CHAIRMAN (Mr. SHIMKUS). The gentleman from Kentucky (Mr. ROGERS) is recognized for 10 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, no one knows at this point in time what this is going to cost. We only passed it 2 or 3 weeks ago. No one has any idea at this point in time what it is going to cost us or States or locals or whomever. I think it is premature at this point in time to take up this amendment. At some point in time during this year before we go to conference, we are probably going to have to deal with this question. But there is just nothing there to give us any idea. Estimates run from $5 million to $100 million, depending on who is asked.

The REAL ID Act authorized such appropriations as necessary to help States make their driver's licenses and other documents more secure for ID purposes. But there has been no time, as I have said, to fully assess the funding required in the first year of the program. DHS is not prepared to move forward quickly. I think the $100 million is absolutely premature. The CBO estimate is only $40 million in fiscal year 2006, not $100 million. The committee has not seen any of the estimates from the Association of Motor Vehicle Administrators which probably knows more about this issue than anybody.

There already exists certain interstate driver's license databases which perhaps could be used and save money which operate on the basis of multistate compacts. These systems currently in existence should be examined to assess their potential to expand or serve as models for a nationwide database. It may be that many costs assumed in the CBO estimate can be avoided by leveraging these systems. We do not need to reinvent the wheel.

And then, Mr. Chairman, the offsets the gentleman's amendment would cut into are very undesirable. Cutting these programs would be very unwise. The IAIP agency has already been reduced $11 million for failure to submit reports to the Congress. Any further reduction could impact information sharing with State and local agencies conducting vulnerability assessments and construction and renovation of space for the directorate.

A cut to Science and Technology may have a direct linkage to the success of other programs. For instance, a cut to the Office of Interoperability and Communications can greatly impact the effectiveness of resources spent on first responder grants. In every war effort, it is easier to fund soldiers than science because what soldiers do is obvious; what science does is not. However, like the development of the tank in World War I and the development of the atomic bomb in World

War II, science can profoundly influence the outcome.

There is reason to believe that homeland security science can have a similar success on the war on terror. We cannot cut the Office of the Secretary. It is a tempting target, but it has already been hit by everybody in the room. Their office is only $133-plus million, and significant reductions will negatively affect their operations. The office is largely salaries and expenses, and cuts will result in fewer people attempting to deal with an increasing workload. Fewer people means DHS will have less time to respond to Congressional inquiries, for example.

We have been critical of the office, but it is this office that will ultimately make the changes needed to make the Department work. They are working on the new Secretary's second-stage review even as we speak. So I hope we would not accept this amendment for the reason that we do not know how much money we need to run this program this year. We will find out as time goes by during the year. We can put money in the conference at the end of the year as necessary. So let us not jump off the cliff until we get to it.

Number two, this amendment would devastate the Department's operations because it goes right to the heart of what they are doing. I urge the defeat of the amendment.

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

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Let me get this straight. Two weeks after the majority party imposed this huge new unfunded mandate and required that it be attached to the defense appropriations supplemental to pay for the war in Iraq, we are now told by the majority, gee, we do not have any idea what this is going to cost. You mean you imposed a mandate without having any idea what it was going to cost?

If we follow the logic of what the gentleman is saying, we will say to the States, Congress had no idea what it was doing and so you are going to pay the bill. That is what the gentleman has just said. I find that mighty peculiar.

I urge an ''aye'' vote on this amendment. I want to make clear I did not vote for REAL ID. I think it is a cockamamie idea, but it is now the law of the land; and the question is, is the Federal Government going to pay for what it mandated, or is it going to stick the cost on the backs of local and State governments? I hope it is not the latter.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I thank the ranking member for yielding me this time.

First, let me ask the gentleman a question: Is not a significant amount of the money that the gentleman is reducing consultant money?

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

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

Mr. OBEY. Mr. Chairman, what we are doing is reducing the increase in the amount of money that is in this bill for consultants.

Mr. SABO. Mr. Chairman, I thank the gentleman.

I am just afraid we are doing another miniature No Child Left Behind in this law that we passed a couple of weeks ago. It is the Federal Government again deciding how the States should run something that States have historically done. States have historically issued driver's licenses in this country. So now wise people in Washington are now telling them how to do it. Again, we are not going to pay them money to do it. Then we have all kinds of requirements that may or may not make sense. They make sense to somebody who sits down here and writes law who, I doubt, has ever administered the issuing of driver's licenses in any State.

Sort of a repetition again in miniature scale of what we did in No Child Left Behind. I think that is a law which is fraught with troubles throughout the country. This is much smaller in scale, but we are repeating the same thing that we did in that law. I think it is a mistake. I think it is going to complicate life immensely for all of our citizens as they go about the process of moving around this country and getting new driver's licenses.

But at a minimum, we should be doing a significant part of the funding to make sure we do not adversely impact all of the States by this wisdom that we are sending down from Washington.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

As the gentleman from Minnesota (Mr. SABO) pointed out, this amendment is simply asking the Congress to stick to its promise in the Contract With America, to not provide any more unfunded mandates. What we are saying on this side of the aisle, we did not vote for this turkey, but it is now law; and given that fact, we ought to at least make sure this does not wind up on the backs of the States and local governments. What we are saying is at least keep your commitment not to load any more on the State and local property taxes, and let us pay for this by simply reducing the size of the growth in consultants at the Secretary's level. This is already a bloated, dysfunctional agency. We are now going to be asked to provide very large increases to provide more consultants. It seems to me that they can afford to get along with a few less consultants so we can provide one less unfunded mandate in State and local government.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself the balance of my time.

The gentleman is right in the respect at some point in time we are going to have to pay the bill. At this point in time, we have not received a bill. We have no idea what the bill is going to be. We get different estimates. Different people have different ideas, but there has been no consensus reached on how much money is needed and to whom.

I assure Members in the due course of time when that information comes to us, monies will be made available to pay for this program in due course of time without hampering the agency, as this amendment would do. I urge a ''no'' vote on the Obey amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to patrol the border of the United States except as authorized by law.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment simply, as stated, eliminates the opportunity for any resources to be utilized to patrol the border of the United States except as authorized by law.

I spoke earlier today on the floor of the House about the frustration Americans have with respect to the influx of illegal immigrants and immigration and, of course, I also offered to my colleagues that we must solve this problem in a bipartisan manner.

In respecting that frustration, I am respectful of those who have taken up their own causes. One group happens to be the Minutemen.

□ 1645

The Minuteman group has utilized their resources in Arizona and expect to move their operations to Texas, New Mexico and California. I would argue vigorously that these kinds of efforts can make a very difficult and unsuitable atmosphere for the border.

Let me cite for you one of the individuals that is responsible for the organization Minutemen speaking about the issues, for example, in Texas:

If the Minutemen were to come to Texas, there are serious logistical problems for patrols in Texas. Most of the

land along the Texas border is privately owned and some of it is urbanized, unlike the open land the group monitored in Arizona. And the same reports of drug violence that have scared some tourists away from the south Texas region have become a concern for the Minutemen. ''The Texas border is pretty dangerous right now,'' Chris Simcox said, who heads the Minutemen. ''That won't scare the Arizona-based citizen patrols away,'' he said, ''but it does mean they will be more careful in planning their operations. Security becomes a serious issue because we are going to be annoying a lot of people.''

This amendment is simple. What it says is that we have to protect the Federal officers and other law enforcement officers that are entrusted with the responsibility of immigration control in the United States of America. That protection cannot give them the extra added burden using resources to try to protect those who are acting in an unauthorized way. This specifically states that we would not allow such funds to be used in an unauthorized way.

Mr. Chairman, this proposal seeks to prevent the funding of increased liability for the Federal Government, to prevent the incidental injuring or killing of aliens, citizens, or volunteers, to prevent the creation of a sad precedent of shirked Federal responsibility. The purpose of the Jackson-Lee amendment is to control these issues before they become problems. Last Sunday, May 15, 2005, I put the people of the Eighteenth Congressional District and of the State of Texas on notice that the ''Minuteman Project'' has proposed to enter our borders in order to monitor for illegal border crossings.

I was joined on Sunday by Ms. Mabel Rogers, who is the President of the American Federation of Government Employees, AFGE, Local No. 3332 for coming out to share her expertise in the area of border security and the issues that can arise if groups such as the Minutemen attempt to enforce immigration law.

In addition, I was joined by Ms. Adriana Fernandez, who leads the Association for Residency and Citizenship of America, ARCA, right here in the Eighteenth Congressional District of Houston, Texas for her time, efforts, and more so for the passion that she exhibited in bringing her colleagues to share their concerns in this matter.

The Minuteman Project has good intentions, but we object to the potential negative social, legal, and economic impact that it can have on the Texas borders.

The problem of porousness of the borders is a Federal Government problem. It is a Department of Homeland Security, DHS, problem. DHS has legal jurisdiction over the borders; therefore, it is DHS that must address our border security needs.

An unofficial, untrained, and uncontrolled militia is the wrong answer for a problem that is within the Federal Government's responsibility. If the job is not being done sufficiently, we must look to Congress and the executive branch to exercise oversight and to improve performance.

The Minuteman Project is headed for the Texas borders, and their presence will be the recipe for danger, conflict, and increased legal enforcement costs for the Federal Government. The Houston Chronicle reported on May 12 that the controversial group that began as a month-long engagement along the Arizona border plans to enter Texas to operate its hunt for illegal border crossings.

Other media and eyewitnesses have suggested that many of the participants in the Minuteman Project have carried firearms, incited retaliatory measures by gang members, incited more groups to organize in a similar fashion along other American borders, and created a situation that suggests potential constraints on the individual civil rights of undocumented persons.

The arrival of this group to Texas is an example of what I feared during its initial engagement during the month of April—propagation in other borders. Empowerment of unofficial, untrained militia to carry out the functions of the Federal Government instead of simply improving the staffing situation at the Customs and Border Patrol and the Immigration, Customs, and Enforcement Agencies is a dereliction of duty and a condoning of potential vigilantism. I urge the Governor of Texas to disinvite the Minuteman Project to the U.S.-Mexico border of Texas.

Several differences between the U.S.-Mexico border of Arizona and Texas make it potentially injurious for the arrival of the Minutemen. The traffic growth in Texas would dramatically increase the probability of injury or death of aliens or other innocent civilians.

In 2001, U.S. Customs inspectors logged 3,133,619 cargo trucks as they entered Texas border towns from Brownsville to El Paso, up from 1,897,888 commercial vehicles in fiscal year 1995, the year NAFTA took effect. Furthermore, the topography at the Texas borders is more dense and provides more places for people involved in violent disputes to hide. In addition, even as the leader of the Minuteman Project stated to the Houston Chronicle, 'there are serious logistical problems for patrols in Texas. Most of the land along the Texas border is privately owned, and some of it is urbanized, unlike the open land the group monitored in Arizona.'

What we need instead of a situation of potential violence, violation of civil rights, and costs associated with restoring peace and security at the borders is a comprehensive immigration plan like I proposed with the introduction of my legislation, the 'Save America Comprehensive Immigration Act, H.R. 2092.'

As a member of the House Committees on the Judiciary and on Homeland Security, I had the opportunity to actively participate in a markup hearing for the ''Homeland Security Authorization Act for FY 2006, H.R. 1817.''

In the context of an amendment that I offered that called for studies and analysis of the issue of border violence, I was able to obtain a commitment from the chairman of the Homeland Security Committee to join me and the ranking member in a bipartisan letter to the Department of Homeland Security to direct it to gather information and to identify the problems surrounding the contention reported at the locations patrolled by volunteers.

Effective, efficient, and safe border security requires properly trained personnel. We need to improve our Customs and Border Patrol and Immigration and Customs Enforcement agencies rather than empower militias to do their job. The enforcement job requires accountability, training in the area of human rights, language skills, non-violent restraint techniques, and weapons handling.

The legal accountability principles such as respondeat superior and vicarious liability do not clearly apply to the Minutemen for injuries or damage that may be sustained by the private properties that abut the Texas borders; the heavy stream of commerce constantly traversing the border; or innocent bystanders who may be in the wrong place at the wrong time.

Mr. Chairman, the Jackson-Lee amendment seeks to prevent liability "powder kegs" from propagating nationally. I ask that my colleagues support the amendment.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I am prepared to accept the amendment if we can go ahead and conclude it at this moment.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman. I am willing to accept the chairman's acceptance.

Let me just say, Mr. Chairman, that this amendment speaks to the whole question of protecting our borders in an authorized manner. There seems to be an effort to do it in an unauthorized manner, and I desire to protect those who need protecting. I would ask my colleagues to support this amendment and, as well, I do want to acknowledge that the work that we have done with staff, I want to appreciate it and I hope the Members will consult with their staff on amendments when Members do consult with the Members' staff and that their amendments are in order.

With that, I ask my colleagues to support this amendment.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2006''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 14 offered by the gentleman from New Jersey (Mr. MENENDEZ), Amendment No. 1 offered by the gentleman from Colorado (Mr. TANCREDO), the amendment offered by the gentleman from New York (Mr. MEEKS), and the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. MENENDEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 198, not voting 10, as follows:

[Roll No. 176]

AYES—225

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gilchrest
Gingrey
Gonzalez
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wilson (NM)
Woolsey
Wu
Wynn

NOES—198

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gohmert
Goode
Goodlatte
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—10

Ackerman
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Miller (FL)
Payne
Wexler
Young (FL)

□ 1713

Ms. FOXX, and Messrs. HOBSON, NEUGEBAUER, MORAN of Virginia, NUSSLE, Mrs. JOHNSON of Connecticut, Mr. THOMAS, and Mr. GOHMERT changed their vote from ''aye'' to ''no.''

Ms. PELOSI, and Messrs. GREEN of Wisconsin, WELLER, GUTIERREZ, GILCHREST, SCHWARZ of Michigan, RAMSTAD, and Mrs. JONES of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 258, not voting 10, as follows:

[Roll No. 177]

AYES—165

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Chabot
Coble
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Flake
Foley
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kline
Kolbe
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—258

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings

Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Ackerman
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Miller (FL)
Payne
Wexler
Young (FL)

□ 1723

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. MEEKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 11, as follows:

[Roll No. 178]

AYES—199

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Linder
Lipinski
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Slaughter
Smith (WA)
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Grijalva
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McKinney
McMorris
Mica
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schwarz (MI)
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Solis
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—11

Ackerman
Bonilla
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Miller (FL)
Payne
Wexler
Young (FL)

□ 1732

Mr. SNYDER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Chairman, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 176–178 on May 17, 2005. These were votes on amendments to H.R. 2360 The Department of Homeland Security Appropriations bill for FY 06. due to personal circumstances I was detained until after these votes had concluded.

If present, I would have voted rollcall Vote No. 176, the Menendez Amendment ''no''; rollcall Vote No. 177, the Tancredo Amendment ''aye''; rollcall Vote No. 178, the Meeks (NY) Amendment, ''no.''

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on

which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 9, as follows:

[Roll No. 179]

AYES—226

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gillmor
Gohmert
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn
Young (AK)

NOES—198

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—9

Akin
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Payne
Wexler
Young (FL)

□ 1741

Mr. BOEHLERT changed his vote from ''aye'' to ''no.''

Mr. OTTER and Mr. EVERETT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. GILLMOR, 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. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 278, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 8, as follows:

[Roll No. 180]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode

Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Payne
Smith (WA)
Wexler

□ 1805

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

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business in my district prevents me from being present for legislative business scheduled for today, Tuesday, May 17, 2005. Had I been present, I would have voted "no" on rollcall No. 174, on ordering the previous question; "no" on rollcall No. 175, H. Res. 278, a resolution providing a rule for the consideration of H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006; "aye" on rollcall No. 176, an amendment offered by Rep. ROBERT MENENDEZ of New Jersey; "no" on rollcall No. 177, an amendment offered by Mr. TANCREDO of Colorado; "aye" on rollcall No. 178, an amendment offered by Mr. MEEKS of New York; "aye" on rollcall No. 179, an amendment offered by Mr. OBEY of Wisconsin; and "aye" on rollcall No. 180, final passage of H.R. 2360, The Department of Homeland Security Appropriations Act for Fiscal Year 2006.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the record and regret that I could not be present today, Tuesday, May 17, 2005, to vote on rollcall vote Nos. 174, 175, 176, 177, 178, 179, and 180 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 174 on Ordering the Previous Question on H. Res. 278, providing for consideration of H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; "No" on rollcall vote No. 175 on Agreeing to the Resolution as Amended on H. Res. 278, providing for consideration of H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; "aye" on rollcall vote No. 176 on an Amendment to H.R. 2360 to increase funding (by transfer) by $50 million to State and local governments for the defense of chemical plants by first responders; "No" on rollcall vote No. 177 on an Amendment to H.R. 2360 to prevent the use of funds in contravention of a provision in the illegal Immigration Reform and Immigrant Responsibility Act (PL 104–208) that prevents Federal, State or local government officials from prohibiting or restricting government agencies or officials from sending or receiving information to Federal immigration officials regarding an individual's immigration status; "aye" on rollcall vote No. 178 on an Amendment to H.R. 2360 to insert anew section at the end of the bill to prohibit the use of funds from being used to close any detention facility operated by or on behalf of U.S. Immigration and Customs Enforcement that has been operational in 2005; "aye" on rollcall vote No. 179 on an Amendment to H.R. 2360 to insert a new section at the end of the bill to direct the Secretary of Homeland Security to make grants to assist States in conforming with minimum drivers' license standards by appropriating $100,000,000. For taxpayers with adjusted gross income in excess of $1,000,000, the amount of tax reduction shall be reduced by 1.562 percent; and "aye" on rollcall vote No. 180 on final passage of H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 109–27)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, which states that the Burma emergency is to continue beyond May 20, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2004 (69 FR 29041).

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies, including its policies of committing large-scale repression of the democratic opposition in Burma, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2005.*

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 281) and ask unanimous consent for its immediate consideration.

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

The Clerk read as follows:

H. RES. 281

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on the Budget: Mr. Chocola.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NAFTA LESSONS FOR CAFTA

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, much like its elder cousin NAFTA, CAFTA has promised to raise the standard of living in its poorest member countries. But thanks to NAFTA, we already know how this story ends.

A typical Central American earns only a small fraction of an average American worker's wage. More than 40 percent of workers in the region labor for less than $2 a day, placing them below the global poverty level.

Mexico now ranks as one of the world's 10 largest economies. Its overall wealth has increased since passing NAFTA, and, unfortunately, so has its poverty. It is said, ''a rising tide lifts all boats.'' This is not the case for the poor in Mexico and will not be the case for the impoverished people in the Western hemisphere's poorest nations.

For this and other reasons, I encourage my colleagues to join me in opposing CAFTA.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND HOMELAND SECURITY VS IRAQ'S SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, minutes ago the House approved the fiscal year 2006 Homeland Security appropriation bill to the tune of, underwhelmingly, $37 billion. In a vacuum, $37 billion sounds like a lot of money, and it is, but when you consider that Congress has appropriated over $100 billion on the security of Iraq this year alone, and more than $200 billion overall, $37 billion sounds much less significant. In fact, the $37 billion spending bill that was approved today represents less than 5 percent of the U.S. annual discretionary budget. Yet the Iraq war this year, this year alone, represents well over 10 percent of our annual discretionary budget.

Clearly, something is wrong with this picture. Spending on homeland security, while inadequate in its amount, focuses on the right things to protect America: First responders, border and port security, and cargo inspections. On the other hand, funding for the war in Iraq continues to focus on poorly planned military operations and irresponsible no-bid contracts to war profiteers like Halliburton and its subsidiary Kellogg, Brown & Root.

At the same time, the Iraq supplemental spending bill of over $200 billion has neglected to provide adequate funds for body armor for the troops. This is a particularly egregious mistake in light of the 2004 study indicating as many as a quarter of all troop deaths could have been prevented if the most advanced body armor had been provided to every single soldier in Iraq.

It is important to note the irony in our funding priorities. The Homeland Security budget, which is vitally important towards ensuring the safety of the American people, is drastically underfunded. On the other hand, the Iraq war, which was a war of choice, not a war of necessity, is so overfunded that last year $9 billion in reconstruction funds went missing. Nine billion dollars. That is more than a quarter of this year's homeland security budget.

And let us not forget another more recent report by the Special Inspector General for Iraq's reconstruction. This report states that another $100 million for reconstruction projects in southern Iraq is also missing and cannot be accounted for.

Mr. Speaker, we need to focus our spending on programs and policies that will help ensure the safety of the American people. The war in Iraq will not make Americans safer, because this conflict is causing the United States to be perceived by the Muslim world as a colonial occupier, not as a liberating force. This perception, combined with our continued military presence in Iraq, has assisted radical Muslim terrorist groups like al Qaeda in their recruiting efforts. The result is that 3½ years after September 11 Americans are less safe.

Fortunately, there is a way to achieve sensible spending while also keeping America secure. Over the last 2 years, I have developed the SMART Security Strategy for the 21st Century. SMART is a sensible multilateral American response to terrorism. SMART Security urges a shifting of America's budget priorities to more effectively meet our national security needs. That means spending more money on port security, cargo inspections and airline security, and less money on warfare, outdated weapon systems, and new nuclear weapons.

□ 1815

Instead of funding continued military operations in Iraq, the SMART platform would encourage other nations to work with the United States and spend more money on peacekeeping, on reconstruction and developmental aid to ensure long-term peace and stability in the Middle East.

In fact, it has been proven when debt relief increases, terrorism and the conditions that give rise to terrorism tend to decrease. That is why the SMART platform encourages wealthy nations to provide debt relief and developmental aid for the world's poorest countries. After more than 2 years of fighting, it is clear that the war in Iraq cannot be won through military means. We need to be smarter. We need to be smarter than the terrorists, not just bigger and stronger.

The fight to secure our country must be fought on more than the battlefield. We must be smart in the way we prioritize our national spending by focusing on true security needs instead of superficial security needs. Homeland security is a true security need. Let us remember the next time President Bush asks for money for Iraq, which I understand will be sometime this summer, we need to know which is secure and which is not.

COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about the price of prescription drugs here in the United States compared to what consumers pay in other industrialized countries in the world.

I have some charts with me tonight because I want to point out some differences. There are several that I think are important. This is a chart, and some numbers are hard to read. These are 10 of the most commonly prescribed drugs in the United States. We have Nexium and Norvasc and Zyrtec and Zocor. I want to point out Zocor, we have a price, and these were all done just in the last few months. We have a price from the Metropolitan Pharmacy in Frankfurt, Germany and a local pharmacy in Rochester, Minnesota.

If we total all of these drugs for a month's supply, in Frankfurt, Germany, they would cost $455.57 in U.S. dollars. Also in U.S. dollars in the United States, the price of those same drugs, those same 10 best-selling prescription drugs would be $1,040.04. Over the last year, the value of the dollar has declined by about 20 percent. We thought the differences we pay in the United States and what our German friends pay would have gotten less. We

were surprised to learn that the differences have gotten worse.

For example, Zocor, a very commonly prescribed drug for people who have some heart problems or problems with their circulation, Zocor in the United States on average sells for $85 for a month's supply. In Germany you can buy that drug for $23.83.

Mr. Speaker, what is interesting about this story is that one of my colleagues came up to me and he saw this chart. He said, I take Zocor. I said how much do you pay for it. He said a copay for a U.S. Congressman for that Zocor is $30 here in the United States. You can walk in off the street to the Metropolitan Pharmacy in Frankfurt, Germany and pay $23.83, and the Germans think they are paying too much for prescription drugs.

Mr. Speaker, I am holding in my hand two boxes of Celebrex. They are exactly the same. They come from the same plant. If you bought this box of Celebrex in the United States, you would pay more than double what you pay for the same drug in Germany.

Now, I think Americans are willing to, and I speak on behalf of most Americans, we understand there is a cost to develop these drugs. There is a cost to market these drugs. Unfortunately, there is too much being spent on advertising, but I am not one who says they should not be able to advertise. But I believe Americans ought to have access to world-class drugs at world-market prices. I am asking my colleagues to join me in supporting, and I have another chart that is easier to read, compare London to Athens to the United States. We now have pharmacists from around the world who regularly send us their prices for the drugs.

In almost every case, it is less than half what we pay in the United States. These same five drugs, Lipitor, Nexium, Prevacid, Zoloft, and Zyrtec, those five drugs in London, $195.95. In Athens, $231.04; but here in the United States, $507.96.

Mr. Speaker, I ask Members to please join me in cosponsoring H.R. 328, the Pharmaceutical Market Access Act of 2005. It is time to make clear that Americans have access to world-class drugs at world-market prices.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

(Mr. GENE GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AIRPORT COMPETITION IN DALLAS-FORT WORTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MARCHANT) is recognized for 5 minutes.

Mr. MARCHANT. Mr. Speaker, I rise today to speak in support of a law which has fostered spectacular growth and vitality in my district and throughout all of north Texas. That law, which has become known as the Wright amendment, was passed in 1979 to settle for all time a controversy on how best to achieve robust competitive airline competition in the Dallas-Fort Worth area.

It has worked and continues to work beyond all expectations, but the benefits it has brought can easily be undone. Given all of the turmoil in the airline industry and the limited time for Congress to get important business done, any serious effort to change the current law would be a misuse of our time and resources.

Since the issue has been in the news lately and Members have been approached with very simplistic answers on the surface, compelling arguments about the Wright amendment, I want to put some facts into the RECORD.

In the late 1960s, the cities of Dallas and Fort Worth, at the urgings of the Civil Aeronautics Board, agreed to end the fragmentation of air service in the region and invest in a single regional airport that could serve all of the people in the area. At the time, everyone knew a new airport would not work unless there was an absolute commitment by all parties to consolidate all the service from the various local airports in the area into the new facility, which became known as the Dallas-Fort Worth International Airport.

The two communities and all carriers offering interstate service from the existing airports agreed on this course of action. However, one carrier that at that time offered only interstate service from Dallas' downtown airport, Love Field, refused to do so.

This led to a long and protracted and bitter legal battle between the communities and this carrier, which ultimately resulted in a carefully negotiated compromise. This compromise encompassed into Federal law to preserve it was exactly constructed to reflect the intent of the communities as well as the desires of the interstate carrier.

Reluctantly, the civic parties agreed to allow the one carrier that had refused to move to the DFW Airport to operate out of Love Field to and from points within Texas or to its four contiguous States. That carrier agreed to the Wright amendment as a way to settle the issue for all time.

Last week, the highly respected global aviation consulting firm, Simat, Helliesen & Eichner, released an omnibus report which predicts devastating consequences to the Dallas-Fort Worth Airport if the Wright amendment were to be repealed. I will submit the report for the RECORD; but it predicts if the Wright amendment is repealed, DFW could lose 204 flights a day, 21 million passengers annually, and slash DFW passenger traffic back to levels seen 20 years ago.

Mr. Speaker, health in the airline industry is dependent on healthy competition between airlines. In contrast, competition between very closely located airports can be destructive. The communities of Dallas and Fort Worth understood this when they agreed to end, or restrict, commercial air traffic to their local airports. DFW was built to accommodate any and all carriers, and over the years it has attracted both network and low-cost carriers.

Just as importantly, by limiting traffic at the neighboring airports, DFW was able to compete among airports and now is the fifth largest airport. Think of it this way. Almost everyone would agree it would improve competition to have 30 airlines competing against each other, but no one would suggest it would be healthy to have 30 airports competing against each other. Just like two major shopping centers will die if located next door to each other, two airports located only 12 miles apart, as are in Dallas, Love Field and DFW will provide two weaker airports.

Let us be perfectly clear. Restriction at Meachem and Love Fields were not put in place to give DFW a jump start. No one said, We will invest billions of dollars in a huge international airport and domestic hub airport until it is successful and then we will undercut the very source of its success by reopening the airports that we closed to make it so. That does not make good business sense.

Mr. Speaker, DFW is what it is today because it is the only airport in the metroplex that passengers can use to fly anywhere in the world. Moreover, it has not achieved the success it has by being anticompetitive. On the contrary, it has always welcomed all comers. DFW currently has gates available and is seeking new airlines.

Love Field was never meant to be a competitor to DFW. In fact, DFW would probably have never been built and the tens of thousands of jobs and the billions of dollars of economic stimulus it has given Dallas-Fort Worth would never have been realized

if Love Field had remained an unrestricted airport. The best proof of that statement is evidenced by the 21 empty gates currently vacant at DFW. Despite any attractive incentives, DFW has been unable to attract new, low-cost tenants because of the discussion of repealing the Wright amendment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address this great House of Representatives. I want to thank not only the Democratic leader but the Democratic leadership for allowing me to be here on their behalf.

Our 30-something Working Group, which the gentlewoman from California (Ms. PELOSI) put together in the 108th Congress, our focus is to work on issues that are facing not only young Americans but Americans in general. I think it is very, very important for us to state not only here on the floor but to also say in our communities and the workplace that there is no greater service than making sure that your children and grandchildren have a better opportunity than what you have had. That is kind of the unwritten statement for the 30-something Working Group. We are benefactors of the generation that allowed us to have better opportunities than what they have had. I think that is what makes our country great. I commend those Members that live with that philosophy.

But I think it is important in a time of judgment and a time that we all have to be leaders that we stand up, not only stand up, but inform the American people and future generations on what is going to happen good for them and in many cases what may not work out the way that is being portrayed here in the Congress or any issue that we are talking about here, that we are taking action on here in Washington, D.C.

There are a lot of good things that families are doing for one another to make sure that future generations and their bloodline have a better opportunity than what they have had. There are families that are trying to save money with a college plan or savings plan for their children to receive education for their bloodline for the first time. Some families that only made it after a 4-year experience stopped at an associate's degree or a bachelor's of science degree, and want their children or a family member to be able to receive a master's degree or a doctor's degree.

□ 1830

It is that individual in the middle of America that wants his or her son or daughter to be able to carry the family business further than they were ever capable to carry it. I know that it is in the fiber of our American Dream that is in our hearts and in our minds.

So when we start talking about the issue of Social Security, we have to say that that is a paramount issue when we talk about values and commitment to our future generations, we talk about value and commitment to those beneficiaries that are receiving Social Security benefits right now. We have to think about those individuals that are disabled that are counting on this Congress to stand up on their behalf, those individuals that elect us to speak on their behalf.

One thing about this body within the U.S. Congress, we cannot be appointed to the House. We cannot be appointed to this position. We have to be elected. The other body can be appointed. We have to be elected. Through the election process, there is a lot of commitment and sacrifice. A lot of Americans, someone woke up early one morning, 7 a.m., and showed up to their election polling place for some accountability. That is what we are here to do.

When we start talking about Social Security, I think it is important that we come to this floor to let the American people know and the Members of this House of Representatives know that many of us within the Congress are very, very concerned about the privatization scheme that is being talked about and that is being portrayed as a plan for future generations, or the preservation of Social Security.

We cannot believe everything we hear, especially when folks start saying, well, these are the facts and this is my plan and this is the way it is going to work. Right now, especially on the Democratic side, and I will say a few of my Republican colleagues understand that 48 million Americans are receiving Social Security right now, that 33 million of those Americans are already retired, 33 million that are counting on Social Security. Social Security is that security blanket, our end of the deal that we said we would hold, they paid into it, it is there for them and it will be there for them for the next 5, 10, 15, 20, 25 years at the same level that it is right now.

Of course we want to strengthen Social Security. Also, it is important to understand that right now, today, $955 per month on average goes out every month to support families and support their unmet needs. This is not a giveaway. This is what they paid for. This is what they invested in. It is important that we do not gamble with those dollars. I think it is also important to understand that 48 percent of Social Security beneficiaries, if they did not have Social Security, they would be living in poverty today.

So, Mr. Speaker, I cannot help but have trouble with the administration's plan and some Members on the Republican side's plan to privatize Social Security and to say and admit up front that benefits will be cut and that they would not only receive a benefit cut but even those who do not want to go in a private account will suffer.

I cannot understand for the life of me how we can serve that up on a platter and say that we are trying to help future generations or present enrollees in Social Security right now. I cannot help but question $5 trillion. Until I got to the Congress, I had no meaning of what $5 trillion actually meant, $5 trillion, not of money that we have in our wallets but money that we are willing to borrow, $5 trillion. But better yet, this is supposed to help maintain Social Security.

I am going to talk a little further about what we are doing as Democrats, but I would like to yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Florida for yielding. I actually want to commend him because I see him week after week on the floor leading the group under-30 as they demonstrate that you do not have to be a senior citizen, that you do not have to be old and elderly, you do not have to have been here 25 years to have impact on this body. And so I thank the gentleman from Florida for yielding, but I also commend him for his leadership and for his position as he talks about Social Security, one of the great programs that has bolstered the quality of life for people in our country.

I actually grew up in a rural community in Arkansas before moving to Chicago, and we had a saying there, that if it ain't broke, don't fix it. They would oftentimes be talking about farm machinery and other kinds of things.

While Social Security is not quite the same, the reality is if it is working for millions and millions of people, if it has been the only thing that has stood between our senior citizens in many instances and absolute poverty, then it sounds to me like it ain't really broke. And while it might can be adjusted just a little taste, we may have to put some money in, I do not think it is broken, and I do not think we need to fix it.

GLOBALISM HITS THE CHICAGO LIGHTHOUSE FOR THE BLIND

I want to take just a few minutes, if I could, and talk about something else for a minute, that is, about an industry in my congressional district that is being squeezed by our trade policy, by globalism, by outsourcing and all of the things that we seriously have to look at. That industry is the Chicago Lighthouse Industries. They have made clocks for the Federal Government for the last 28 years. They have been consistent and diligent in their performance. Since 1977, the Chicago Lighthouse made 3.3 million clocks. In fact, last year they made 104,000 clocks for all branches of the military, Energy Department, Postal Service, and the Justice Department.

The unique thing about the Chicago Lighthouse is that they employ more than 40 people who are blind or visually impaired. They employ their workers at a salary of $8.50 an hour and provide health benefits. On a recent visit to the Chicago Lighthouse, I was amazed at the level of detail and speed at which the workers developed the clocks. They have an assembly line that produces and packages 1,000 wall clocks a day. And, of course, they are blind. They are visually impaired.

In fact, Rita McCabe can assemble a 12-inch clock in less than a minute. Ms. McCabe, who is blind, found her job through the Chicago Lighthouse. When asked how she felt about her job, she stated the following: ''It gives me a chance to be with people, to make a living on my own, and to prove that I'm competent enough to do this kind of work.'' Ms. McCabe has worked for the Chicago Lighthouse for 25 years.

Rita McCabe's job is in jeopardy due to competition from foreign sources. In the past 4 years, U.S. imports of wall clocks, most of them from China, have increased by 24 percent, totaling $123 million in 2003. The Chicago Lighthouse does not mind competition. They have suggested that they can compete with anybody as long as the rules are the same. Unfortunately, the playing field is not level when it comes to competing with China and other countries that do not have a minimum wage requirement or pay health benefits to their workers.

The Chicago Lighthouse, though, pays its workers an average of $8.50 an hour plus health benefits. It is not uncommon in China for workers to make $2 an hour and have no benefits. China is able to undercut clock manufacturers like the Chicago Lighthouse for the Blind because they do not play by the same rules. They are able to send their products into the United States at a cheaper price. This adds to the trade deficit that currently exists. More importantly, to allow foreign governments who do not pay minimum wage or a livable wage, nor provide benefits, to continue to undercut U.S. companies like the Chicago Lighthouse erodes the faith that citizens have in government and puts too many jobs at risk.

The Chicago Lighthouse is not asking for preferential treatment. They are just seeking fundamental fairness. The Chicago Lighthouse has been in existence now for 99 years. They have done something right to be able to survive.

The Federal Government as a result of the Javitz-Wagner-O'Day Act is required to show favor towards the Chicago Lighthouse and other industries like it when purchasing clocks through the General Services Administration. However, this law has been eroded and many Federal purchasers are going for the lower-priced clocks. Obviously, these are the clocks that are being produced through cheaper labor costs. The Federal Government must set the example and ensure that taxpayer money is going to support those industries and businesses in our country and not going to other countries who take the benefit of our outsourcing policy.

Everything comes at a price. The workers at the Chicago Lighthouse are able to be productive, tax-paying citizens because of their jobs. These jobs help support them. And so I simply want to have us understand and recognize that when we make a trade policy, when we are outsourcing, when we are always looking for the cheapest price, when we are always looking for the most cost-efficient way of doing business, we also better look at the needs of our people and we better look at the needs of the people in our communities to provide opportunities for blind people to work, to have dignity, to have pride, to have a sense of self-worth. We should not let anything erode that. We should not let anything take that away.

I would urge us as we purchase, as we continue to purchase clocks, as we make trade policies, that we remember something the Bible says: ''Where there is no vision, the people perish.'' And some people can see, but have no vision. Sometimes our policies reflect the ability to see, but not in a visionary way.

So, please, America, let us not put the people at the Chicago Lighthouse for the Blind out of work. Let us keep them working and hopefully all of the rest of us will be able to see.

I thank the gentleman again so very much. I really appreciate the gentleman giving me the opportunity to cut into this under-30 group's time. It has been a long time since I have been under 30, but it is just a pleasure to be here with the gentleman, and I thank him so very much.

Mr. MEEK of Florida. Mr. Speaker, I just want to say before I comment to what the gentleman from Illinois just said, I want to commend him for coming to the floor, not only representing his great district but representing some great Americans that are doing what they can under the circumstances. I have a similar program in my district, Good Will Industries, providing uniforms for our men and women that are in uniform, sewing together jackets. They are handicapped, some physically handicapped, mentally handicapped, many; but they are trying, and we have got to give them an opportunity to play a role in working America.

Another thing I want to also point out, and I know that the gentleman from Ohio (Mr. RYAN) is here, is that the gentleman from Illinois is talking about working Americans, not folks sitting at home talking about where's my check. These are individuals that wake up every day and want to wake up every day and go and be productive. That is what this is all about. That is what our democracy is about.

It was a pleasure yielding to the gentleman. He is one of the most outstanding orators that we have in the Congress.

Mr. DAVIS of Illinois. The next time you are in Chicago, I have just got to bring you by so that you can go and see the Chicago Lighthouse for yourself. And we will bring the gentleman from Ohio along with us.

Mr. MEEK of Florida. I look forward to that. Just not in the winter time, that is all I have to say, because I am from Florida. I do not know about all Chicago, holding on to the ropes and the wind blowing and everything. I love Chicago. I thank the gentleman from Illinois for standing up for those great Americans.

□ 1845

Mr. Speaker, I am so glad that the gentleman from Ohio (Mr. RYAN) is here. And we are, I tell the gentleman from Illinois (Mr. DAVIS), the 30-something Working Group; so he can be 30-something, not under 30 or I think I would not be with this group. I would be with them in spirit.

Mr. Speaker, I was just talking here for a moment about the whole issue of a bad privatization scheme and throwing the dice on the retirement of so many not only Americans that are presently receiving Social Security benefits, and I am not just talking about retirees. We are talking about disabled Americans. We are also talking about those individuals who are going to school and surviving on survivor benefits of Americans that have passed on. They paid into Social Security. They knew there were survivor benefits for their kids. And one can ask even those Americans and those of us in the Congress that were pension funds outside of this Congress and we know what happened to our pension fund. It went straight down.

The gentleman from California (Mr. GEORGE MILLER) our ranking member on the Committee on Education and the Workforce, said just today that airline pilots who were receiving $12,000 a month in pension benefits, now it is down to $2,000 a month. That is a $10,000 difference in their retirement. So now we are going to do that with Social Security? Even for those individuals who do not enroll in the program, they are still going to get benefit cuts. They still receive benefits cuts. And, also, the dollars that are needed to support them in their time of need.

So it is a great pleasure once again being with my good friend from Ohio and the fact that we come to this floor along with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the gentleman from Alabama (Mr. DAVIS), and others to share with Americans about what we are working on here in the Congress.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me.

I think it is appropriate for us tonight to kind of take another tack, a little more specific. We know that the President's privatization plan for the Social Security system is a bad one. It means benefit cuts across the board to the tune of 40 percent for most. Under the President's plan, middle-class workers earning $58,000 a year would be hit with a 42 percent benefit cut. And the gentleman from Alabama (Mr. DAVIS), who was here last week, said very eloquently that this Social Security system is a system that is put together and was put together to solidify the country and to talk about our common interests, our common goals, and our common humanity, and how we have an obligation in this Congress to maintain that system and not to say and begin to promote the kind of attitude that says, hey, everybody is on their own. They go here and they make the kind of money that they want. They invest in the stock market, and if they go belly up in the stock market, they are on their own. And that is basically what the President's plan says.

We have a system that works, a system that is a safety net for many American people who have struggled. But the point I think we need to make tonight, which we have touched upon over and over and over again, is the issue of jobs in the United States of America. If we are not participating in an economy that is growing, there are not going to be the kind of resources put into the program.

I was at a town hall meeting on Social Security a couple of weeks ago, and I had a lady stand up, my age, and say ''I do not want to put 4 percent of my Social Security taxes into a private account'' because she figured out the math. She makes $19,000 a year. Four percent of $19,000 a year is not enough to retire on even if the stock market is going gangbusters.

So this may sound nice to have private accounts. If one is making $150,000 a year, they know how to invest their money. They know how to pull it out and put it back in. The President's plan does not allow that. So if we say the same exact thing to someone who is making $19,000 and they are allowed to invest their 4 percent of $19,000 a year, there is not going to be enough there for them to retire, and they are going to lose their Social Security benefit.

This is a risky proposition, and it is why only 30 percent of the American people are saying this is a good idea. It makes me become more and more aware and concerned that this is a whole ploy. While we are cutting food stamps and we are cutting Medicaid, we have the whole country having this debate about Social Security over here. And we do not want to talk about what is going on in Iraq, and we do not want to talk about the kind of cuts that are being made in the veterans' health care program. We have to keep the discussion on an issue that is highly volatile and has been known to be a third rail of politics.

Now, I want to share with the American people and our friends who are here tonight a chart. We are talking about jobs and job creation in the country. This chart shows the U.S. trade balance in goods, durable goods. This goes from 1979 to 2004. In 1979 we had a trade deficit of $24 billion, in 1979. And we do not really need to see the numbers. We just need to see the bars. And it slowly got worse, got better in the early 1990s and then the dipsy-do all throughout the 1990s. But in 1998 our trade deficit in goods got to $230 billion. That was in 1998. And then from 1998 to 2004, a $651 billion trade deficit in the United States of America. We are buying $651 billion more worth of goods than we are selling.

If we want to fix Social Security and we want to have enough money in our local communities to fund our schools and our libraries and Medicaid at the State and Federal level, we need to fix this problem, or we are never going to have enough money to do anything. Four percent of whatever one wants to put in their side account is never going to be enough because we are going to have more people for 19 and 20 and $30,000 a year than we are for 70 or 80 or 90. And this is the main culprit.

And today Secretary Snow came out with the weakest report on the Chinese currency manipulation that we have ever seen and basically gave the Chinese a free pass when they are manipulating their currency by 40 percent. That is why this number looks like it does.

I am going to get the other chart out here that is dealing with annual trade with China. There are three different graphs here. The gold graph, the gold line, with the blue dots is what we are importing from China. This starts off in 1985; it ends up in 2004. The blue line is what we are exporting to China, and then the trade balance. What we are importing from China is going through the roof, $200 billion of goods coming into this country. We are exporting to China virtually nothing. The trade gap just with the Chinese is $162 billion; $162 billion we are buying from the Chinese without the ability to sell.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio's (Mr. RYAN) point as it relates to pointing out the trade deficit is the fact that Americans, if we allow hypothetically, and I do mean hypothetically, in this Congress a privatization plan to go through this Congress the way the President and majority side would like to see it happen, then they are going to get a double whammy. They are getting a double whammy of not having high-paying jobs. And this is not just me talking. Folks can go to a number of third-party validators and even the White House itself said there will be drastic benefits cuts, benefits cuts to the tune of if someone is earning $37,000, they are going to get a 28 percent benefit cut than what they are experiencing right now. At $58,000, they are going to get a 42 percent benefit cut, and on and on and on. So there will be benefit cuts, and we have put that up front, and there will be a great gamble on the future of Social Security.

So I am really pleased that the gentleman brought those charts because folks really need to understand, and this is from the U.S. Census Bureau. That is where he received that information.

Mr. RYAN of Ohio. We are not making this up, Mr. Speaker.

Mr. MEEK of Florida. This is not the ''Tim Ryan Report.''

Mr. RYAN of Ohio. This is not the ''Kendrick Meek Report.''

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I just want to make sure because we point out when there is inaccurate information out there. And some of our friends here in the Beltway, which is Washington, D.C. they have an imagination about what the truth is about. We talk a lot about what the truth really is. We talk a lot about the $350 billion so-called prescription drug plan that is supposed to help Americans, and now it is $724 billion, but we were told $350 billion when it first started. So the President is saying $5 trillion on a privatization plan. What is it going to be next year? Is it going to be $10 trillion?

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, he brings up a great point because over the next 10 years, and I do not know if he said this before I arrived, in the next 10 years we are going to have to borrow $2 trillion to fund this privatization scheme. Over the next 20 years we are going to have to borrow $5 trillion. This is billion. We have to borrow $5 trillion to fund this privatization

scheme. So it is just brilliant that he brought that up in such a timely fashion because it ties into this.

As we are running a $162 billion trade deficit with the Chinese at the same time that they are stealing our manufacturing, stealing our jobs, we are borrowing the money right now for our annual deficit that we have, from the Chinese, $500 billion.

So what do we have to do to fix this problem? One, we have to balance the budget. But if we are already borrowing $500 billion from the Japanese and the Chinese, why would we then go out and say let us go borrow another $5 trillion to roll the dice on and play roulette?

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that is the problem. This Social Security, it is not some small little program that a Member of Congress put in the budget and said this is our pet project. This is Social Security. This goes towards our generation for our children and grandchildren, and I hope to have them some day, grandchildren. I want them to have a better opportunity.

The gentleman from Illinois (Mr. DAVIS) came to the floor to talk about those individuals putting together clocks in his district, the Lighthouse Project. I yield to him, from the 30-something Working Group hour, to give him an opportunity, and he did not come here saying we need to create a program for people who do not want to work. We need to make sure that Americans, and he is talking about blind Americans, are able to continue to support themselves.

Remember, Mr. Speaker, 33 million Americans are retired, receiving Social Security benefits now. Forty-eight percent of the 33 million would be living in poverty if it was not for Social Security. And they have a plan that comes up here to the Hill. And I would not call it a plan. I would say it is some sort of philosophy or theory that the White House and majority side have.

And I would also like to say, Mr. Speaker, we know that we have friends over there, few in number, on the Republican side that are willing to stand up and say, I am not with you on this.

□ 1900

And if you bring it to the floor, I am going to vote against it, rightfully so. Do we know why? Do we know why it is not on the floor tonight? Because I believe, just like the American people know and just like many Members of this House know, it is not because we are Democrats and we are right; we are Democrats and we are willing to stand up to say what is right for Social Security. This is not a political issue; this is an American issue.

So when we start talking about what people are saying here on the floor as it relates to the majority side, we do know we were given that prescription drug number, $350 billion, it ended up being $724 billion and climbing, and still did not put forth a plan where we can combine buying power and take the price down for seniors.

Mr. RYAN of Ohio. Mr. Speaker, that is exactly right. We are going on the record of what this administration has consistently told us and told the American people, and the gentleman is exactly right. With the prescription drug benefit we were told it was $350 billion, then it became $400 billion, we passed it at 3 in the morning here. Then a month or two later, after the election, it turned out to be $700 billion, and then it went to $1.1 trillion. When we passed it, it was $400 billion. And someone in this administration told the actuary who had the real numbers, do not tell Congress.

Wait a minute. That is not telling the American people. I represent 700,000 people; the gentleman represents 700,000 people.

Mr. MEEK of Florida. And change.

Mr. RYAN of Ohio. They withheld the administration from your constituents and my constituents, and we made a faulty decision here on the House floor where many Members would not have voted for it. When we go back and look at the war, what we were told about the war: we are greeted as liberators, we will use the oil for reconstruction and it will only cost us $50 billion when we have already over $300 billion invested in the war; all of these things that turned out not to be true.

Here we are today being promised a scheme that we have to borrow $5 trillion to implement. It is bad enough we have to borrow it and pay it back; we have to pay the interest on it too. Talk about sticking it to the next generation.

Mr. MEEK of Florida. Mr. Speaker, let me just say this. We are both going to be in the Committee on Armed Services tomorrow late into the night marking up or creating the Committee on Armed Services for the United States of America authorization bill to protect the American public, to make sure our men and women that are in harm's way get what they need, to make sure that we do all of the things that we need to do to defend this country, adding $5 trillion to the debt and making decisions that should not be made.

And I just want to say, at the end of the legislative business of every week, we have our whip, the gentleman from Maryland (Mr. HOYER) come to the floor with the gentleman from Texas (Mr. DELAY), and they talk about the business of next week and what is going to happen. I hope when it comes down to Social Security that there is a bipartisan effort to not only make sure that we pay for what we do or have a plan to pay for what we do as it relates to borrowing the money that we are going to have to use to make sure that we make Social Security stronger and better, but there is no discussion about, well, next week we are going to talk about private accounts, because that is going to be a sad day in this Congress.

I will also say this, that it is important for people to understand that on the Democratic side, and I mentioned the gentlewoman from California (Leader PELOSI) and the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. MENENDEZ), who is our chair, and the gentleman from South Carolina (Mr. CLYBURN), who is our vice-chair, and other Members who are here with leadership roles and who have been here before the gentleman from Ohio (Mr. RYAN) and I, before we even thought of a 30-something Working Group; that a bipartisan plan like the gentleman from New York (Mr. RANGEL) speaks of all the time, consists of Democrats and Republicans sitting down, sharing values on behalf of the American people, and putting forth a plan that will preserve Social Security for years to come.

Social Security news flash, I say to the gentleman, because if we listen to what the White House is saying and all of the Federal jet fuel they are burning flying all around the country sharing with people what their side of what they believe the crystal ball may actually provide Social Security benefits to future generations, 47 years from now, 100 percent benefits as we see them now will still be in place. Forty-seven years from now, Social Security will be still be here. Do my colleagues know why? Because in 1983 this House, in a bipartisan way, Tip O'Neill, President of the United States Ronald Reagan, God bless his memory, voted off of this floor 243 to 102 to make sure that Social Security is there for future generations and that it provides benefits to the 48 million, those who are disabled, those who are living under survivor benefits, and those who are retired right now. It took leadership to do that.

So it all comes down to, if some Members of power, and this would not even be a discussion if we were in the majority. It would not even be a discussion, because there will be a panel put together to come up to the Committee on Ways and Means and other committees of substance as it relates to this issue to come together with a bipartisan plan.

And I guarantee my colleagues that private accounts would not even be an issue on the preservation of Social Security. We have always talked about making sure that the Social Security trust fund that has been a Democratic issue from two or three Presidential campaigns, about making sure that Social Security is here for future generations.

Mr. RYAN of Ohio. Lockbox.

Mr. MEEK of Florida. Whatever we want to call it. I will just say that this bipartisan number here, 163 Democrats for it in 1983, 80 Republicans for it in 1983, and Tip O'Neill, the Democratic Speaker of this House was sitting in the Speaker rostrum, Mr. Speaker. It took leadership, and that is what we need now.

Folks ask, I say to the gentleman, what is the Democratic plan. Well, the Democratic plan is in the wallets of every American, the guarantee when they go through their wallet looking for lunch money for their children or looking for bus fare to catch the bus or, as we know, grabbing, unfortunately, for a credit card now versus cash to put gas in your tank, when they pass that Social Security card, what they know now is the fact that they will receive benefits for the next 47 years.

That is the Democratic plan, and the Democratic plan is also making sure in a bipartisan way that we move forward, make sure that we preserve Social Security for future generations, and make sure that we do not hand debt to our future generations.

Mr. Speaker, $5 trillion is an awful lot of money. Once again, on the armed services end, 44 percent of our debt is owned by foreign interests. If we want to talk about the future of this country, if we want to talk about security, if we want to talk about homeland security, if we want to talk about financial security, stability for this country and for the Republic, never before in the history of the Republic has the deficit been as high as it is right now.

Now, I can tell my colleagues, our friends on the other side, and I say the leadership, because I know, some of my good friends do not want this.

Mr. RYAN of Ohio. Not personal. It is not personal.

Mr. MEEK of Florida. It is not a personal issue. And they know it is not a personal issue. They know that bad decisions have been made. They know that the deficit is as high as it has ever been, and climbing. We are so high up in debt right now, I mean, it is just bad. We cannot call these 1–800 numbers we see on the TV saying call us, we will help you with your debt. We cannot even take care of those issues right now, because it is so much and we are so high in debt.

So I think it is important, as we remember 30-somethings and those young Americans who are graduating from college now, Mr. Speaker, they are leaving, on average, $20,000 in debt, $20,000 in debt, the average American that is graduating. Now we are going to put more on them? I think that is something that we should not do, and that is the reason why we come to the floor. That is the reason why we have third, fourth, fifth, and six-party validators for the reason that this privatization plan is nothing but a pure gamble for Democrats, Republicans, Independents, and others that are depending and looking for Social Security when they are in need.

Mr. RYAN of Ohio. Mr. Speaker, the gentleman brought up a great point, and we will share some more information from the Department of the Treasury of the United States of America. This is the national debt, and I believe this is moving. You can go to a Web site, next week we will have to bring the Web site up so you can see, but this is actually always moving: $7.79 trillion in debt that the United States owes other interests. Your share of the debt, I say to the gentleman from Florida, $26,349.

Mr. MEEK of Florida. Not just mine.

Mr. RYAN of Ohio. Not just yourself. Your wife, your kids, my wife, constituents, people watching at home, if you are watching this program.

Mr. MEEK of Florida. Members of Congress.

Mr. RYAN of Ohio. Everybody, $26,300 you owe.

The point I would like to bring up and highlight again is what the gentleman brought up, talking about what college students owe. The average college student owes 20,000 bucks.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman would just yield for one second, not just the college students, but their parents. I want to tell my colleague, when I graduated from college, I went straight into the Highway Patrol Academy. Thank God I had a full scholarship to Florida A&M. But a number of students that go into college, they do not have a scholarship, okay? And they come out owing student loans. And do we know who pays those student loans when they come out? Mom and Dad or Grandmom, to make sure that they do not end up falling into bad debt and also falling into an area where they are going to start off on the wrong foot.

Mr. RYAN of Ohio. Yes, even further behind. So someone out there watching, a parent that has a kid in college, the average college debt, $20,000; average share of the national debt that you owe, $26,000.

And, think about it, if you are having a baby this year and project this number out, if we keep going down the road we are going down, because we already had to lift the debt ceiling in Congress several months ago that raised this even further so the United States could go back out and borrow even more money, so here we have a situation where we owe this, each individual owes this.

Now, if a baby is born today, guess what? They owe this right out of the gate. So project this out, this number, $26,349, project it out 18, 20, 22 years and imagine what that number is going to be if we keep going down the road we are going down now, and then add to that what college tuition costs are going to be 20 years from now. They have doubled over the past 4 or 5 years, I know for sure in Ohio, and I know in Florida, so let that rate continue and let this rate continue and let us keep borrowing money and have to pay interest on that. Let that continue.

So we are saying that a young baby that is born today has a tremendous tax burden on their head, from the national debt that they owe, their share, plus what they are going to owe for going to college; and if they go on to get a master's degree or advanced degree, it would be even more, and then the President's proposal to borrow $5 trillion more. What are we doing to the next generation? At the same time, we are not making the proper investments in health and education and the kinds of things that will eventually move the country forward.

Mr. Speaker, the Web site is www.house.gov/budget.democrats underscored, to get the deficit ticker to see what the real number is as this continues to move.

Mr. MEEK of Florida. Mr. Speaker, I think this is very, very important since we are talking about the future and we are talking about future generations, and we must talk about these numbers so future generations understand what their debt is.

For someone that is looking for additional help on Pell grants, that is not going to happen in any significant number. It is going to make a difference to your overall debt situation or credit situation. When you also look at the issue of Social Security from the beginning, remember, remember, $5 trillion to help save you money over the next 20 years. That is a lot of money, okay? It is going to stop us from doing the things we need to do in taking the debt down. It was the Democratic Congress here that made the hard decision to take down the debt and put us into surpluses as far as the eye could see, and then the Republican Congress took over and took us down into debt.

I think it is also important, and we always like to give the Members third-party validators, and I want you to write this Web site down: www.cbpp.org. That is the Center on Budget and Policy Priorities, the Center For Budget and Policy Priorities. There is a lot of good information on that Web site. It gives not only Members but the American people good information on what someone may earn and how much of a benefit cut they are going to receive; not a benefit increase, but a benefit cut. And in this whole debate, there is no, there is no discussion about an increase. There is no discussion about some of the positive things that can happen outside of saying, this will be good for the trust fund in the future.

□ 1915

I also want to say that, you know, that I have no real problem with what is going on in New York and the whole Wall Street experience. Okay? Do not think that I have a problem with it. But I do have a problem, which the only entity or institution, or even if Wall Street was a perfect person, to be the only group that would benefit from a privatization plan, some $940 billion guaranteed to Wall Street, not necessarily to the individuals that are enrolled in Social Security.

And I thought while the gentleman from Ohio (Mr. RYAN) was talking, as you know I have my papers, we get our briefings, and we call and we ask institutions that are studying this Social

Security privatization scheme to give us information as we work on ways to push this Congress towards a bipartisan approach to Social Security without private accounts. That is something that we are doing here as Democrats.

But I look, and I want to tell you, in your State there are a number of individuals, 315,000 survivor beneficiaries, 278,000 individuals that are receiving disability benefits. I think it is also important to understand, even in my State, in Florida, you have 450,679 that are receiving disability benefits and 408,543 that are receiving survivor benefits.

Even in the State of Pennsylvania just north of us, survivor benefits, these are individuals that their children are now beneficiaries from the work that their parents did. They didn't have anything to leave them, but they had Social Security to leave them, to help be there for them, because they wanted to be there for them financially, but that was a part of our deal with Americans that we will make sure that not only will they be taken care of, that we will have security for them, but for their children.

And in the State of Pennsylvania 353,000 survivor beneficiaries, and also you have 336,000 individuals that are on disability.

Mr. RYAN of Ohio. The same in Ohio. 315,000 folks that receive survivor benefits. 16 percent of people who receive a Social Security check in Ohio, 16 percent of them are survivor benefits. So this is a program that helps people who lose a parent at a very young age, they are under the age of 18 and they need a little assistance.

And that is what the gentleman from Alabama (Mr. DAVIS) talked about last week is a sense of community where we are going to have a system that protects and looks out for each other, gets each other's back. I think it is very important that we recognize that Social Security is really the best system, because it inherently embodies what is best about the country, and I think it is great.

I want to just raise a question here. We are kind of running out of time here. We only have a few more minutes left. We have a little bit of time.

Mr. MEEK of Florida. We have about 10 minutes.

Mr. RYAN of Ohio. But we have less than we had when we started, and we are closer to the end than we are to the beginning, so I am going to try to make a final point or two towards the end here.

The question really, and I want to ask the people at home, is this: What do you think, someone watching at home or if you are having a discussion with your friends over dinner, or your family over dinner tonight, what do you think the greatest crisis is in the United States of America?

What do you think this Chamber and our friends across the hall and the White House, what do you think we should be focusing on? Do you think that this problem that is 47 years away or 40 years away or 35 years away? We have all kinds of different numbers, we will give you the benefit, say 35 years away. Do you think that is the greatest problem facing the country, or do you think that the 40-some million Americans without health insurance, maybe that is the greatest crisis facing the country, or do you think the rising costs of health insurance, if you are a small business owner, or you are in a union and you are trying to negotiate a contract or you are trying to run a school system, and you are the superintendent or you are the teacher, maybe that is the greatest crisis facing the country.

How about, and I am sure in your district just like mine, Youngstown City Schools, Akron City Schools, Cleveland City Schools, 80, 85 percent of the kids qualify for free and reduced lunch. Maybe that is a more imminent crisis than a Social Security issue that is, you know, 40 years out.

And I just ask the American people to ask themselves, what do you think the great crisis is in the country today? The fact that the trade deficits, the debt, the annual deficits that we are running? To me, I share my opinion, those are the issues. That 85 percent of the kids in a school district in Ohio qualify for free and reduced lunch, that 50 or 60 or 70 percent of those kids live below the poverty line. That to me is a crisis.

How are we going to compete with the Chinese workers? How are we going to compete with the Indians if we are not able to educate our kids and our kids are living in poverty? To me that is the crisis. That people do not get the kind of health care that they deserve, that if you have a lot of money and you are able to get yourself into the Cleveland Clinic or some of the great hospitals around the country, you are going to be fine, but if not you are on your own.

Mr. MEEK of Florida. Mr. Speaker, I think it is important not only that the Members, but the American people understand, Mr. Speaker, that when it comes down to health care we are going to be okay. The reason why we are going to be okay is because we are Members of Congress.

Not because of our health plan, but because of our last name. And that is a crisis for real Americans, because my constituents they sit in the emergency room for hours. I walk into the emergency room, believe me, I can barely sit down before someone grabs my arm and says, Congressman, please let us check you out.

All right. When I need to get prescription drugs, I can get prescription drugs. When I want to get a doctor's appointment, I can get a doctor's appointment. I do not have to wait 6 months to see an ophthalmologist or on optometrist, whoever it may be, to see them.

I think what the gentleman from Ohio (Mr. RYAN) said in the last 5 or 6 minutes meant so much in this entire hour of really talking about the issues, where the rubber meets the road. And the reality of this argument is that originally the administration was saying that it is a crisis. They kind of have backed off of that now, because the American people said you want to know what a crisis is? The crisis is that my son is sick and I cannot afford to take him, I am taking care of him through the drug store. I am buying off the shelf, which I think is a greater problem. I hope it is a cold. That is a crisis.

A crisis is not saying, hey, listen you know something, I got to move this private account thing while we are in power so we can help make our buddies even more buddies to us. Because that is what I think the underlying issue here is. And so I just want to step in there, because you made an excellent point.

Mr. RYAN of Ohio. I just think that is it. Thanks for reiterating it. It is just what is the crisis? What do you at home want us to deal with, because we work for you. What do you want us to deal with here? And we are trying to bring up issues like China and how we are going to deal with that tremendous threat, and the administration brushes it off.

You know, we want to deal with health care and the amount of poverty, not necessarily for compassionate reasons, although some may feel that way. But because we need everyone playing. We are going on the field now with only half a team, and that is getting very dangerous.

So as we wrap it up, I want to share again, send us an e-mail, 30somethingdems @mail.house.gov. Do I have time to read?

Mr. MEEK of Florida. Go ahead and read the e-mail you have.

Mr. RYAN of Ohio. I want to read the e-mail.

Mr. MEEK of Florida. Give the e-mail address.

Mr. RYAN of Ohio. I just gave it. 30somethingdemocrats@mail.house.gov. Send us an e-mail. I want to read one, we only have time to read one here, from Mark Sanchez from Las Cruces, New Mexico. We are making it out West, somewhat of a political junkie, 25 year old active duty service member stationed out there.

And last week he saw us talking about Social Security, very hot topic. He considers himself very informed, and it bothers him to a great degree that those in my age group do not care about what the President and Congress are doing.

I personally feel that the President's plan for Social Security is not one with the people in mind, but rather one with his friends on Wall Street in mind. I may be young, but I am not blind to record deficits that are causing this country to go deeper and deeper into debt.

I believe the President's plan is wrong for America. I believe this is an

issue that can be addressed and thought over as time goes on while more important matters that are hurting this country are addressed. He said very similar things to what we were saying, issues such as health care, immigration and energy are problems that face Americans now, not 30 years down the road.

I am happy to see that you are willing to stand up for the people rather than special interest groups that have too much control in Congress these days. Please keep up your hard work because it is needed.

People like you keep his personal hopes alive for one day standing on the floor of the House of Representatives and debating issues and problems that face our country. So we have an aspiring Member of Congress here, Mark Sanchez. So thank you, Mark, for sending that in.

Again, 30somethingdems @mail.house.gov. You also go to the site I gave you earlier to check out the deficit clock too.

Mr. MEEK of Florida. I want to thank the gentleman from Ohio. And to our e-mailer, we just want to say that all Democrats throughout this Congress will be calling into radio stations, be it country, rap, rock and roll, what have you, during drive time in the morning to talk about the importance of Social Security and young people.

Mr. Speaker, it is always an honor to come to the floor and we thank not only the gentlewoman from California (Ms. PELOSI), the Democratic leader, but the gentleman from Maryland (Mr. HOYER) the Democratic whip, for allowing us to have this hour week after week. This is a strong part of our democracy, and we really appreciate representing the 30-somethings and above and under, that age, to give them a voice here on the floor.

OVERVIEW OF THE WAR ON ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, tonight I am going to give an overview of the war on illegal narcotics in the United States.

I chair the Subcommittee on Criminal Justice Drug Policy and Human Services in the Government Reform Committee, which when the Republicans took over Congress in 1994, was reorganized by then Chairman Bill Zeliff followed by the gentleman from Illinois (Chairman HASTERT) followed by the gentleman from Florida (Chairman MICA), and now myself, to be a committee where we could do an overview of all of the different parts of the war on illegal drugs.

The challenge we have in narcotics is that this battle goes across many different agencies, and so it gets divided up somewhere in the neighborhood of 23 to 25 subcommittees in the House, a similar amount in the Senate, and nobody had been looking at it comprehensively.

So it wound up over in this committee. The authorizing of the Office of National Drug Control Policy, commonly known as the Drug Czar's office, is not only overseen now by this subcommittee, but actually is now authorized as primary authorizer in this subcommittee as well, which has led to the national ad campaign being added to that, the Community Antidrug Coalition, the High Intensity Drug Trafficking Areas, and increasingly some of the other bills are being assigned to this committee because we can look at it holistically, and then it also gets sometimes joint referrals to other committees as we are working through similarly on the homeland security bill, as people have been watching through this.

There is a couple of different points that I am going to cover tonight. One is kind of basically how we approach illegal drugs and how we are tackling this as a Congress, as a Presidency, and how this has evolved.

Secondly, looking at some of the successes, then focusing some on the major challenges we have ranging from the meth challenge to the border challenge, which has been getting a lot of news, to Afghanistan, to the abuse of legal drugs like steroids. We have been having hearings in our full committee in Government Reform.

Then some specific comments in detail on the President's which we have many concerns about, particularly his effort to, in effect, change many of the effective local programs, and nationalize them in Washington, and potentially gut the drug war of the United States.

And I am hoping Members of Congress and their staffs are watching tonight, because this is a direct-on challenge that could, in fact, undermine everything we have been doing.

□ 1930

It needs a resounding defeat in this appropriations process so we do not have to fight this every year. A decisive win this year and a turning around and saying we are not abandoning State and local law enforcement and nationalizing everything in Washington is extremely critical in our drug war.

Let me first start out with kind of a philosophy because often when we come to the floor of Congress, you hear bits and pieces about what we are doing in the drug war, but you do not see a holistic picture with this.

So if you look at this as a start, the first role is not to have people use illegal narcotics. So we will start with safe and drug-free schools, trying to get to our schoolkids. We have community anti-drug coalitions to pull together communities in the United States to do these efforts.

We have the national ad campaign, that you see the ads focused on marijuana; and then in conjunction with the direct national ad campaign, the in-kind contributions that work through a multiplicity of organizations, but particularly the Drug-Free America coalition that has used the best advertising agencies in the United States to develop ads, which those of us who all too well remember, this is your brain, this is your brain on drugs, looking at the fried egg.

But the Partnership for a Drug-Free America has come up with many different creative ads that supplement the national ad campaign. It is a massive effort to try to battle everything from the jokes on the Tonight Show about our use of marijuana, to movies, to MTV, to all that type of stuff to make sure that we have a consistent national message out there.

Then we have drug testing, because one of the best ways to do prevention is to drug test people. I have a company in my district that they were told they had a problem. They drug tested their company and find out a third of the people were high on the spot of cocaine, meth, and this high-grade marijuana. Now, they immediately fired them, that they were in clear violation of a company policy, but one-third of their employees. Another similar thing in another county they did, and I think it was closer to 25 percent, but it is extraordinary.

Remember, these are not hair follicle tests. These are urine tests, which means it has to be fairly recent. A hair follicle test, you may be able to find drug use 30 days previous. Urine test means you are basically high on the job, running this equipment and doing this kind of stuff. So drug testing, if you know you are going to lose your job if you are drug tested, that is one of the best prevention programs; but those are some of the highlights of the prevention strategy, the national ad campaign, Partnership for a Drug-Free America, the community coalition, drug-free schools and drug testing.

Then you go, okay, if this stuff's too cheap or too pure, basically it overwhelms the prevention policy. So what do we do? First, we try to get this stuff, get the illegal narcotics at its source.

So let us take cocaine and heroin in Colombia. First, you try to eradicate it. You go there, spray the stuff, hit it multiple times a year. If you fail and some gets out, which it always does, then you try to interdict it in the source country and get it before it hits the shores of the Caribbean or the eastern Pacific. Once it gets in the water, now we are dealing rather than in an area maybe the size of Texas, we are dealing in an area that is huge, the Caribbean Sea and the eastern Pacific. So it is much harder to get it.

If it gets to our border, in our land border, in Mexico, the Gulf of Mexico, Florida, comes up farther into California or up into New York City or

comes down through Canada, then we now have a border control effort; but as I will point out later, and as most people are aware, our border is not exactly sealed.

Then if it gets through our border, then we move to the law enforcement question. I am from Fort Wayne, Indiana. Now it is starting to get closer to home. We failed to get it eradicated. We failed to interdict it in Colombia. We failed to get it as it moved into the transit zone. We failed to get it at the border. Now it is coming at our hometown.

Now we will have drug task forces. We will have high-intensity drug trafficking areas. We will have Burn grant money going to set up drug task forces. We will have our local police forces. We will have our county and district-wide, in some cases, drug task forces trying to do the law enforcement side.

Then people go to prison, and so we have prison re-entry programs trying to say, okay, we have locked these people up for drug crimes, how do we treat them in prison, how do we work with them as they are coming out of prison. We have drug court programs. That is kind of the law enforcement side.

Then we have the drug treatment. When all else fails, we do drug treatment. Quite frankly, as Nancy Reagan, you can never win a war just treating the wounded. That is in effect saying everything else has failed. Drug treatment is really hard. I and others have very seldom ever met a drug addict who has not been through seven treatment programs. The programs themselves are expensive. They are hard to maintain. Just think of the things you struggle with in life, and classic is everybody tries to do a diet starting on New Year's Day, and by the third or fourth day, they have already failed some.

If somebody has a real addiction problem, without a huge head change, it is a constant battle and they fall back and they fall back. Treatment cannot win the war on drugs, but treatment is a part of the effort to try to rehab those people who get mired in it, and we as a society need to help them.

So if you look at that, we are trying to prevent; then we try to eradicate and interdict; then we try to enforce the law; then we try a drug treatment when all else fails and try to help the poor souls who got addicted.

What are our success stories? The fact is this President made a goal to the Office of National Drug Control Policy that said we want a 5 percent reduction in drug use in the United States every year. There is only way to achieve it: it is marijuana.

Marijuana is the gateway to all other drug use. Yes, alcohol and tobacco for young people because it is also illegal. It is often the gateway to marijuana, but basically if you want to tackle the meth problem in the United States, you tackle the marijuana problem. If you want to tackle the cocaine problem in the United States, you tackle the marijuana problem. If you want to tackle the heroin problem in the United States, you tackle the marijuana problem. If you want to tackle Oxycontin abuse, you tackle the marijuana problem.

When you tackle the marijuana problem and move that number, you move all the others. Maybe only one in 10, one in six, I do not know the precise number, it varies year to year or two and by age category, will ever move to another drug, but the fact is if you lower the number of people using marijuana, you lower the number of people using everything else more effectively than tackling those drugs in many cases. Marijuana is the gateway drug.

The marijuana we are talking about in the United States is not what used to be called in Indiana ''ditch weed.'' It is not the Cheech and Chong stuff. It is not 4 to 6 percent THC content, which is bad enough; it is problematic. If you do not really want somebody coming down at you drunk, well you definitely do not want them coming at you on the highway high, but that is high. It is like being drunk.

But when you get this marijuana that is coming in from Canada, that increasingly is being sold on the Internet so people can do hydroponic marijuana, you are talking 12, 20 percent, some cases even 30 percent, selling as high as cocaine and heroin. Why? Because it wipes you out like meth.

This so-called medicinal marijuana has unfortunately been implying that marijuana's medicinal rather than that there are components in marijuana that we isolate like marinol that we should try to put in pill form and help people who cannot do other things, but marijuana is not medicinal. Marijuana is terribly addictive. It is the number one reason people are in drug treatment. It is the number one law enforcement problem in narcotics and is number one gateway. So you have got to tackle marijuana.

We have made progress. The reason we have had 5 percent reductions steadily for 3 years now is because we have tackled marijuana.

Let me put this in perspective, and this a frightening statistic because some people tell me, oh, you know, why can you not just win the war on drugs; how come we have to spend more money every year? Why does this not go away? Politicians love to say, okay, I voted for this appropriations bill, I passed this appropriations bill, it got implemented, now the problem is fixed, now let us focus on something else.

I, as a Christian, believe the source problem is sin. You do not get rid of sin. There is nothing in the Bible that suggests sin is going to disappear. If you want to call it something else that is a struggle when you start to get addicted to an illegal substance, fine, call it that; but it is basically do not ask me why we cannot get rid of drug use in the United States and not ask the same question about rape, spouse abuse and child abuse and other things we struggle with. We never get rid of them.

What we do is we try to control them the best we can, to contain it the best we can, to reduce the number of people who do it, but every day somebody wakes up in the morning and all of the sudden hits their kid or rapes somebody or in a crime of passion kills somebody. It does not go away. That is why we have police forces. That is why we can never back off of the narcotics thing.

But when we back off, this is what we know: in 1993 and 1994, we had a disastrous policy under a previous President who now realizes, and at the end of his term changed around totally, but at the beginning of his term, it was a disaster. They cut the drug czar's office from 123 people down to about 23. They cut the interdiction budget. They closed down a lot of the radar systems in the transit zone; and what happened in that period and then on top of that laughed about, I did not inhale, and did not have these aggressive anti-drug drug testing programs and things on the national media.

What happened from 1992 to 1994, drug use in the United States went up so much that we have to have a 50 percent reduction from 1995 to get back to 1995. So the fact that we are getting 5 percent a year is not enough. It means we are 15 percent back to where we were at in 1995, but we have a long way to go to even get back to 1995.

I have got to say this: people laugh at ''just say no'' under Nancy Reagan. It worked and it worked because it was not ''just say no.'' ''The just say no'' was the symbol, just say no. They started the national ads, the Partnership for a Drug-Free America. They started the safe and drug-free schools program. We created and got more aggressive in DEA. ''Just say no'' was the signature. But when we went at it, we had drops from 1981 to 1988. From 1988 to 1992, we had a little up and down, and then the collapse; and we are trying to get back to where we were.

This administration, however, deserves credit. For every single year we have had a reduction, and someday maybe we will get back to where the previous President was; and quite frankly, in the last 2 years of the previous Presidency, former President Clinton did a great job of focusing with drug czar Barry McCaffrey. We made progress in those last 2 years. It was turned around, and they realized their mistake; and they changed it around.

Then, quite frankly, George Bush, our current President, got off to a difficult start because he wanted to take the drug czar office down from a Cabinet-level position. We battled that, but we have made progress for the last 3 years.

After 9/11, we saw some changes in how the drug budget was allocated, but because we were screening more things and so on, we have been getting more narcotics. Because of better intelligence, however, we are seeing more of

what we are missing; but in fact, we are seizing more narcotics.

We have made steady progress in Colombia. Just a few years ago, only about a third of the cities in Colombia had anybody who wanted to be a mayor. It is not how we have primaries in the United States and we have lots of people running for office in the United States. I have run now six times. I have had five primaries and six general elections with plenty of people wanting to run again the next time. It does not matter that I have big margins. They all want to run for Congress.

They do not have that problem in Colombia because in the United States you do not get shot. Your odds are maybe once every 50 years a President gets shot at. We do not have too many candidates for Congress getting shot and murdered and assassinated. We do not have too many mayors, but in Colombia it was like a death warrant to run for office. So hardly anybody was doing it because we could not control the ground. Because of the Andean Initiative and the Colombia Initiative, in particular inside that, we now have in basically every significant town in Colombia, 100 percent now, a mayor. That might seem like small progress, but it is pretty big progress.

We still have huge problems in Colombia. They have gone farther out into the national parks. They have gone into the Amazon basin, away from where it is easier to see them. It is farther for us to get the spray equipment there and the Blackhawk helicopters there. The FARC and the terrorist groups are able to run and pick their targets where, as we are trying to cover in effect and defend a bigger portion of the nation in Colombia. The fact is that it is progressing.

Secondarily, one of the fundamental questions is that it used to be about a third was in Colombia, a little more than that was in Bolivia, and another chunk of it was in Peru. The question is, was this going back to Bolivia and Peru if we made progress in Colombia, something we have to watch. But right now it does not appear to be going back. Plus, it was the growth of coca and poppy that was occurring in Bolivia and Peru, whereas in Colombia they have always been the processing dealer network.

It is close to the United States. As many people may remember, Panama used to be part of Colombia. Much of that then hops right up to Mexico and comes across the land border. Whereas if you push it farther south, and we do see problems in Paraguay and Brazil and northeast coast of South America, but the bottom line is, if we can get control of Colombia and in a sense make it a more peaceable nation, a nation that has thousands of police officers dying because of America's and Western European's addiction to cocaine and heroin, their supposed revolution is basically a narco-terrorist war funded by United States drug addicts and drug use.

So we have made some progress in Colombia, and that is good news.

We have made incremental progress in other areas, but now let me cover a couple of the challenges.

One is methamphetamines, and meth is a huge issue for us to deal with. I want to put a couple of national perspective things here because probably about from people who are watching tonight, Members and staff are watching tonight, about 35 States do not really have a meth problem. Some of those 35 actually have a little bit, but it is hardly on the radar screen.

Fifteen States, there is no other drug problem on the evening news except for meth. In my home State, if you watch the news, you would think that meth is 90 percent of the drug use, and it is not; but there are some reasons why meth is such a tough issue in the 15 or so States where it is there.

Hawaii was the first State to really have a huge meth problem. Then we saw the superlabs in California, and former Congressman Doug Ose had then-chairman, the gentleman from Florida (Mr. MICA), and I go out; and we did hearings on some of the early superlabs in California where they were producing methamphetamines.

□ 1945

These crazy people, when they get addicted to meth, they go crazy. It is much different. It is a little like crack, but it grabs ahold of your brain and you go crazy. These people would blow these things up in their houses because they would get so addicted they would not know what they were doing, and their house would blow up and kids were dying in California.

We had an unbelievable case that led to a law in California. I mean I do not know how else to say it, but some of these were idiots; their kid was cold, and to warm them up they put them in their stove and burned their kid to death because they were so disoriented. They do not have any clue what they are doing. This drug takes you over.

There was an article in People Magazine in the district of the gentleman from Arkansas (Mr. BOOZMAN) about a majority of the town that got addicted to meth. As this happens, one of the problems with meth is we do not have a lot of treatment programs that work with a meth addict. It is a huge challenge. Furthermore, if they are cooking at home, and by cooking at home, making meth at their home, the environmental damage and environmental cleanup is incredible. It is often not even safe for the police to go in.

Take Warsaw, Indiana, with Sheriff Rovenstine, who has a drug task force group, and they hear of a meth lab out in Kosciusko County, he has to send his group of four guys out there. They will often have to wait 4 to 6 hours until the Indiana State police can get there with a cleanup lab. They cannot really go into the house because they do not know how dangerous it is environmentally for them. They do not have all the equipment to do so.

So you have tied up your entire drug task force in a county of 80,000 people because of one meth lab, and he may only be cooking for himself, someone in his family, and maybe one other person. It is not like a big drug operation, but it ties up your police force. It is a tremendous cleanup problem.

Now, in Hawaii, they have had actually one or two apartment complexes where these people are starting to cook in some of the urban areas. We have not seen too much of that in the United States, maybe a little in Detroit, a little in New Orleans and starting to come in at the edges of some cities, but mostly this is a rural-small town problem so far in the United States. But they have had in some of the apartments where you have to pay from $300 to $600 before you rent the apartment to make sure it is cleaned. Because if somebody has cooked meth in there and now you bring children in, you can endanger your children's health because someone was cooking meth in the apartment you have now moved into. Do we really want to get in this situation around the United States?

So we are having some difficulties in how to address this, because here is the fundamental problem with meth. Meth is only 8 percent of the drug use in the United States, and it is not moving much. As it moves east and marches across the United States, the reaction in the communities is so aggressive that you start to get control and a flattening out in the State where it was, and then it moves into the next State. So as we watch it move from Kansas to Arkansas and into Missouri, into southwest Indiana, Kentucky, Tennessee, and watch it head into North Carolina right now, it starts to stabilize on the western side but expands on the eastern side. It does not mean it is solved on the western side.

And often the media coverage is delayed. So the media coverage may be highest now in some of those States when in fact their biggest problem was 2 years ago, because the community is so outraged they are starting to deal with it. Nevertheless, it does seem to be expanding nationally.

The insidious thing about this is that of this 8 percent meth, only about a third of this meth is actually from the home cookers. The biggest percentage, even in the State of Indiana, which is about sixth in the number of meth labs, and my district is second next to the district of my colleague, the gentleman from Indiana (Mr. HOSTETTLER), which is the southwestern part, even in our districts 67 percent of the meth is coming in from super labs, formerly from California but mostly from Mexico across the border.

So what happens is that meth is somewhat a little more urban and it comes in and is cheaper and more potent than the home-cooked meth. So we have a double problem here that Members of Congress are wrestling

with. One is what we are hearing from home are the meth labs, because we see the dangers of blowing up and burning houses down. They blow up their van if they get in a car accident because they are carrying anhydrous ammonia in it.

One person in one small town in my district was one and a half turns from having a huge regional anhydrous ammonia tank explode that would have obliterated everyone in that town of 700 within minutes. There would have been no ability to run, and they would have been deader than we would have been in this Capitol building if that plane had had C4 in it and hit the Capitol building last week. They would have been all obliterated just like that.

So as we try to tackle the meth problem, however, the fact is that while they put the pressure on the police forces, while they put the pressure on the cleanup, while they are endangering their children, they are not even the majority of the meth problem. So we have to try to figure out how to take down these larger organizations. The DEA, in a great case with the Department of Homeland Security, interdicted what looked like at that point as much as 40 to 50 percent, maybe even as high as 60 percent, of the meth precursors that were coming across the Mexican border, pseudoephedrine.

Now, I am not going to really get into debating bills right now on how to address the pseudoephedrine question, but I have some concerns about the State laws that are passing, and I think at the Federal level we need to get at it at the wholesale level rather than shut down every little small rural town that has a grocery store or every small town that has a pharmacy because they have to put this behind the counter. That is too hard. We need to address it at the wholesale level and the production level in China, in India, in the Netherlands, in Belgium, and we need to set up meth watch programs. If we have to, we will just ban pseudoephedrine in the United States, as now something like eight States have, and it is increasing every day.

The fact is, as we heard with the Oklahoma law, by banning pseudoephedrine and taking 100 cold medicines, basically, and reducing that number and putting it behind the counter, what happens is they merely go to States where you do not have that. Since 35 States do not have a meth problem, they will not be too anxious to get rid of their cold medications and put them behind a counter if they do not have a meth problem in their State. Not to mention there has been a little discussion here and there on the floor about what to do about Canadian pharmaceuticals.

Obviously, you can get pseudoephedrine the same way you can get anything else from Canada and Mexico, on line. And it is a little naive to think we are going to be able to control pseudoephedrine by closing all these grocery stores down that do not have pharmacies and making the pharmacists put it behind the counter and reduce the amount of cold medicine. It is not going to work and, quite frankly, Oklahoma is gradually learning that. But it does not mean their heart is not in the right place and we do not have to figure out a way to address it, because meth is an incredible problem. But we will need some national solutions, and the bigger wholesale systems can do this better than a little country grocery store.

I want to move off the meth to the border, another subject that has been in the news a lot lately. I said earlier that most people are increasingly understanding that the border is not quite sealed. That is an understatement. Basically, 900,000 to a million people are crossing the border a year. Our subcommittee over the last few years has held hearings at San Ysidro, which is the San Diego corridor. We have held hearings in cells on the Tohono O'odham reservation to the west of Nogales. We have held hearings at Nogales. We had a hearing over in the Sierra Vista area and on over to the Douglas area at the Arizona border, as well as in Phoenix. We have held a hearing in Las Cruces in the New Mexico sector. We have held multiple hearings in El Paso. We have been down to McAllen and Laredo on the Texas border, as well as hearings on the north border.

I have spent a lot of time on the border. Earlier this year, not that many weeks ago, myself and Nick Coleman and David Thomasson and Mark Wiede and Tracy Jackson from my staff spent 4 days on the southwest border working on a number of these issues.

It is easy to confuse immigration questions and terrorist questions and narcotics questions when you get to the border because they are the same people. If you cannot stop an illegal immigrant, you cannot stop a drug dealer. And if you cannot stop a drug dealer, you sure cannot stop a terrorist. We have all three elements moving through. Now, they are not all the same people. I would argue that out of the million people coming in, somewhere around 900,000 are coming to a job. And we have to figure out how to get them separated.

Now, I have heard people say, and I support, getting 2,000 Border Patrol, and the administration is only talking 400 or something like that. But we could not stop it if there were 20,000 Border Patrol. And if we have got them all on the land border, they are going to move, because we cannot even see right now planes coming in and boats coming in the whole Caribbean Basin because we do not have any aerostats up and we are blind. They can get across multiple ways. They can come around Canada. We cannot put a person from the Border Patrol or the military, the Guard, every few feet. So we have to figure out a realistic way to separate those who have a job who are coming into the United States from those that are illegal.

Furthermore, let me give some astounding statistics, and I am not going to be too particular here, because I do not want to encourage people. But let us just say, hypothetically, there are some border crossings right now where if you come across into the United States, because we have heard a lot the last couple of weeks about the Arizona border and how people are moving across the Arizona border and we do not have a fence there and that is the big transit point. First off, let me say, clearly, for the record, I do not believe most people are coming through in between the border crossings. I believe most people are coming through the border crossings.

Secondly, I am not absolutely convinced that they are mostly coming through Arizona. I think Texas has a bigger border, and probably more are coming through Texas than Arizona. But Arizona has a problem that has been growing exponentially. That, nobody disagrees with. And to some degree between the border ports of entry California is more controlled because of the fence. So Arizona has the newest part of the problem and the most dramatic part of the problem right now.

But let us talk about what is happening at this border. If somebody comes across the border and we decide we are going to put them in jail, hypothetically, the question is where would you put them? We do not have jails for a million people. The net result of this is that the Federal Government in some places does not even take a case unless, and this is on the record, I am not disclosing this, they do not even take a case unless it is 700 pounds of marijuana. Now, think about the bust in your district. You are talking one pound, ounces. We have people in jail long term over ounces, and they will not take a case over 700 pounds. Sometimes, at the local level, they do not take 200 pounds.

Let me put this in colloquial expression, as I said: You do not arrest somebody if they are carrying 150 pounds across the border? They said, Mr. SOUDER, our jails are full. We cannot even put local criminals in prison because we have so many people running drugs to Indiana, running drugs to Illinois, running drugs to Ohio, running drugs to Michigan, running drugs to New York through our town. We cannot even control the law enforcement problems in our town because of your addictions in the Midwest and the East and across the South because they are running through our area. Unless you are going to build our prisons, we do not have anyplace to put them.

So now we are not just talking about a guy who is walking up to a job in an RV plant in Indiana, we are talking about we are not even locking up drug dealers because we do not have anywhere to put them. So now let us get back to this person, like this one person who was picketed up in Arizona. They stopped him and said, you are coming in illegally. He said why did

you stop me? I have been doing this twice a year for 8 years.

Not only do we not have control of the border, we do not have hardly any control over the border. At one crossing we were told during a committee hearing that as long as you do not have another crime, other than entering the United States illegally, that you could cross 17 times before they detained you overnight. Now, 17 times before they detain you overnight.

Now, the latest is at that border crossing and the other major border crossings the number of times you can cross before they detain you overnight is forever. We do not have anyplace to put people. There is no current principle that says you will ever detain. In fact, when we were at San Ysidro, a van had a couple of large individuals concealed on the top. They were from Brazil. Basically, they had not committed other crimes so their penalty was we paid their way back to Brazil. The taxpayers got the penalty, not the individuals.

Now, back in Brazil they may have purchased a package, which is also public record, I am not disclosing anything tonight, the packages are for sale in Mexico from $8,000 to $12,000 for Central America, from $12,000 to $16,000 or $12,000 to $18,000 for Middle Easterners, 30,000, basically, that in 7 days you will get into the United States or you will get your money back.

So if these people from Brazil bought a travel package for the United States, they get their overnight, they get their food, and they are guaranteed they will get in. So if we fly them back to Brazil, they will be on a plane back, as part of their money-back guarantee, and they will be back in the United States. Of course, if they get caught again, the penalty again will be to send them back to Brazil and it will take a couple more days for them to get back.

Another individual we saw there at the border had a fake ID. They said, look, her face does not match up. And she was really nonplussed because she knew what her penalty was going to be. After we got done examining her stuff, after we spent hundreds of thousands of dollars checking her out, she knew she was going to go back across and a little later that night or some time later she would come back across again.

Now, the fundamental question is: If most people who are illegal are coming across the legal border crossings, then why are they running through the desert? I have been asking that question, too: Why are they running through the desert? Do they not know there is no penalty for crossing at our major crossings, other than having been inconvenienced? It can be a problem theoretically, if we ever change our laws, because they will be in our system 17 times, but right now there is no real penalty.

□ 2000

Some of it is an inconvenience to the coyotes. The coyotes are the people who are like a travel agent. They do the bookings. They give a guarantee. Obviously, if they can get you through the first or second time into the United States, it is cheaper for them. They do not have to pay extra meals or overnight. They want to keep you together and get you through the first time. That apparently has become a problem going through the main border crossings because if you bring across a group of 20 people and two of them get caught, it is inconvenient. You are bringing 20, and there are only 18 that get through. Plus, you gave a money-back guarantee. So they like to move through the desert areas and the areas between the border crossings for their convenience because occasionally our disruption is an inconvenience. It is not like they are going to go to jail. It is just an inconvenience.

The other thing is we are systematically, and some of the things this Congress needs to look at, the penalty for being a coyote is 2 years. Prosecutors are overwhelmed. They cannot take people with 700 pounds of marijuana, how can they take a coyote, and for a 2-year penalty, probably getting suspended after 6 months, what is the point.

We ought to have tougher penalties not on the immigrants who are crossing, but for the people who are organizing these huge systems, and that penalty ought to be more than 2 years. I am not going to talk much about the people on the border who are patriots and the Minutemen. They are frustrated, people running through the ranches. You are a rancher and you see a couple of people coming across. You want them gathered. To come and get them means we may be leaving 100 people in another location. But it is your ranch, and you are upset. I understand that. We need to get better control. But as a practical matter, you may be stopping and it very well may be that the Minutemen did more to bring drugs into the United States and more of these operations in because they diverted our resources over to picking off here and there, and may have, this is a classic of are we running a picket fence on the border or a backstop way to see how the networks are going. It is not dissimilar to other major drug issues.

Are we taking down an individual user on the street, or are we trying to turn him into who is selling him, and who is selling him, and who is selling him. And by the way, how did it get across the border? Who did you corrupt? What border guards did you buy? They are corrupting people in our own embassies and military. Who are you buying?

If we figure out those things, we do not have to bust the little people who usually wind up bearing the brunt of this. We have to get to the systems. If you take down the people at the border, we cannot figure out, because Customs historically and the border patrol used to bang at this before they were both at DHS. Now they bang internally, because the picket fence wants to stop everybody.

Customs want to let some through so we can see where is the van behind them; where are they working; who is paying their way and getting them to the border. Furthermore, there is probably a good chance they are financing this with narcotics. How do we stop the deaths in the United States from narcotics use if we are stopping them at the border and we cannot figure out the patterns?

Let me tell you about another pattern. We hear a lot about identity theft in the United States. A friend tried to get a credit card and found out four other people had her Social Security number. The good news is she had four times as much money in her Social Security account. They did not steal her Social Security number because they wanted to use her credit cards. But she had to go through all kinds of things with her birth certificate and everything else to prove that was actually her Social Security number.

Much of the identity theft in the United States is because employers, and there has been a lot of discussion on this, employers cannot discriminate. If you show them a Social Security number and a card with your picture on it, they cannot question a Hispanic or anybody else of any other background about how they got it unless there is reasonable suspicion that it was doctored. That is because otherwise this can become very quickly a very racially biased harassment thing by employers against minorities. I understand that.

So employers' hands are tied. If somebody gives them a document that looks legal, they cannot pursue it; and we are unlikely to change that law because I believe there would be racial discrimination expanded if we changed that.

So we have to get to the altered documents. In my district, two green card manufacturers' places have been taken down. In another county, a third green card manufacturing place was taken down. If we have 900,000 illegals in the United States in the workplace, that means that the bulk of those have illegal cards with somebody's Social Security number on them.

Unless we get an immigration strategy that works here, we have the motive, whether it is deliberate to steal your credit card and get your Social Security number or whether it is just random that they hit your Social Security number, we are having identities stolen because we are not dealing with the legal immigration questions and the border questions.

At the border as we move through, for example, one of the side things that is happening here is it is even hitting our national parks because, much like I said in Colombia, if you start to seal off some portions and build fences, they are going to go through places where you do not have fences. So at Organ Pipe National Monument they

shot a ranger going through. There are very few trails that are safe to hike in Organ Pipe anymore. One of the best hiking trails in the United States is closed because it is not safe. You do not know who is packing guns or selling dope. You go through the washes, and we have hidden and disguised in sagebrush strips because they have started taking their SUVs through the washes and the stream beds. We talk about trying to preserve nature, they are tearing up the parks with this stuff. We pop the tires, and then they abandon the vehicles.

When I was walking the border with the superintendent with people from the Federal Government, people were crouched waiting to come across. The strangest case in Organ Pipe, we had a barb wire fence at the border crossing, and you can see they just cut the fence. Every time we fix the fence, they cut the fence. There is no effective control, especially if they just come back the next day.

But in one section, there is no fence and it is over in land in Mexico, and it is intact. I said, What is the deal with that? They said, Well, the Mexican farmer there stole the fence and moved it over to his property, but we did not move it back because that farmer is really protective of his fence, and they all have to go around.

Mr. Speaker, think about this a second. A Mexican farmer stole the American fence and put it around his farm, and he is more protective of the fence at his farm than we are of the border. Interesting in a strange way. But at least in that area we are controlled, in a bizarre way.

You also can see all sorts of empty milk cartons. If it is white, that means it was water. If it is black, that means it was drugs. You see drug scatter all over. In some cases it is pocket change. Other cases it will come over on old-fashioned mule trains.

We held a hearing in the Tohono O'odham Reservation. They have been screaming that they have been abandoned there. This was several years ago, maybe a year and a half. We were there. The previous year, 1,500 pounds of marijuana went through. In the previous 2 months, 1,500 pounds went through. The day we had the hearing with all of the Border Patrol cars, all of the Department of Homeland Security personnel, more Federal officials than they had seen in Tohono O'odham Reservation probably for a year and a half, at one place, they just decided they were going to start taking down some cases.

Guys coming out of the hearing would stop people. They picked up 300 pounds in one, 500 in another, 400 in another. Basically, by the time I got done with the hearing, they had picked up 1,700 pounds of marijuana running through the town of Sells. And later that afternoon, they sicked some Blackhawks on a group of seven SUVs. Basically, the front vehicle shot their way through even with all of the Customs and Border Patrol people chasing them. But they did get six of them and had another huge bust that evening.

The point being, it is so massive we do not even know how to deal with it. Until we work out a strategy to figure out how to get the legal people through, there is no way, whether that is work permit with citizenship, long term if they learn to speak English, renounce dual citizenship, multiple ways. Somehow we have to do this because we cannot do it. We are trying desperately to manage this. People can yell at the Customs and Border Patrol, and I believe they need to get rid of the division between the Border and Customs Patrol and ICE because it does not work. You cannot do the investigations. They have to be able to move back from the border and figure out how that network of people bring people in then go to the city. If we can find that out, we can find out who is providing people with green cards when they get into the van and who is making those green cards, who is stealing our Social Security numbers.

If we just look at here are the people standing on the border behind the big white fence, and here are the people investigating over here, and they are not interconnected, this is silly. We need to tackle this in the Department of Homeland Security and in the reorganization. Some people are concerned about having the deportation changed. Other people do not want deportation there. This is a silly division. It is not working, and we have to get this addressed.

As we tackle this and as we move forward and get Department of Homeland Security more organized and work with an immigration strategy, then we can start to get control of the narcotics strategy. Remember this, 24,000 people a year, that is the last figure we have from 2003, die of illegal narcotics. Slightly over 3,000 died at the World Trade Center. So since 9/11, we have had 24,000 a year die of narcotics. If we divert funds from Border Patrol Agents looking for the potential terrorists all of the time and forget that thousands, more than 20,000 people, are dying of narcotics, we have focused wrong. We have to watch the terrorists.

Plus, as we have talked and I have met in Europe and in the United States with the Swiss bankers, as we have talked with other countries where they historically have been able to hide money, as we shut down certain foundations where they have been laundering money, where are they going to go? To narcotics, to human trafficking, and to some degree to diamonds and other sorts of commodities that they can do illegally. But the number one places are narcotics and human trafficking.

We are seeing these different terrorist groups around the world interconnect. As we drive them underground, and as we clean up legitimate banks, as we clean up legitimate places, they go to the harder-to-find places. And the same people, to take Afghanistan, for example, what do you think is paying for the weapons that killed our soldiers the other week? Do Members think it was, say, minicomputers? Was it Afghanistan, the great producer of SUVs? Was it the bread basket of Afghanistan producing soybeans? No. They used to produce food stuff for the entire world. Now Afghanistan produces heroin for the entire world.

As the exiled King told us twice before he went back, and once over there, we were the bread basket of Europe. But we have been told that we do not want to eradicate their livelihood because we need to find alternative development.

The question is do we go to the city of Fort Wayne and tell these kids on the street corner, you are making $600 as a lookout, and we are not going to tell you we are going to throw you in jail until we find you a job that pays you $600 an hour? That is ridiculous.

We say we are going to lock you up and you should get a legitimate job that pays minimum wage, and you learn skills and move up. It is the same thing we faced in Colombia. There is no amount of palm heart in Colombia that is going to make as much as growing cocaine. So unless you think your cocaine crop is going to get eradicated, unless you think your heroin crop is going to get eradicated, and we do that multiple times a year and we are persistent, then you say, hey, what about the palm heart and what about the soybeans because I can feed my family and live on this, but I cannot make it if it is heroin. I cannot make it if I do not grow something; and if you are going to eradicate the heroin, I have to grow something legitimate.

□ 2015

In Afghanistan, there has been a reluctance. Look, it is not a stable country. Nobody successfully ever really governed Afghanistan. So it is a challenge. We say we have free elections in Afghanistan. When we had free elections, the question was, were you free to oppose your local drug lord? The answer is in about 20 percent of the country. That is better than it was ever before in Afghanistan. At least people lined up to vote the way their local drug lord wanted them to vote. But that is not our traditional American way of democracy. I do not mean to demean it. I believe President Karzai is working at it.

But let us be real here. We have just seen the largest production of heroin out of Afghanistan out of anyplace in the world under our watch. We criticize the Taliban. The 3 years of the Taliban together do not equal what Afghanistan produced in heroin under our watch. We cannot sit here and twiddle our thumbs and pretend like this is not going to be a problem. Members of Congress are going to go over on CODELs and they are going to show us great progress. They do not have to grow any heroin for the next 2 or 3 years. They

have the biggest load in history. The Taliban said in their last year in power that they were going to grow zero amount of heroin poppy. To the best of our knowledge, they grew zero amount of heroin poppy. Why? They had such a stockpile with a fraction of what they have now, they did not have to grow any because if they grew it, there was no market. They have got it wholesaled and stockpiled. What is happening is if we do not get those stockpiles, we can have all the CODELs go over Congress that we want. They will come back here, they will go on Fox, they will go on CNN and say, the Afghanis are doing a great job of eradicating the poppy. It is irrelevant. The biggest amount, 4 years' worth of the world's supply has been grown this year and is being processed. We have to figure out where it is, take out the wholesale methods because what we are already seeing is, and our administration is starting to awaken and starting to go after this and the military is starting to grant this, but because we did not eradicate it a few months ago, it is now starting to move and it is into the countries around it so in our appropriations request, we have moneys in it to try to get it as it is moving and we are going to spend more money chasing this stuff than if we had tackled it a few months ago while we were asleep.

Now, we can never let this happen again and we need to work with the president of Afghanistan but it needs to be clear, you cannot be a narcostate. The people that are shooting at us, the people who are crossing over into Iran, the people that then move down into Iraq, where are they getting their money for their guns? This is not a hard thing. They are not growing other things. They are not doing other things. Every pistol, every RPG pretty much is funded by narcotics. This is going to become more and more the case as we move around, more human trafficking which leads us back to both problems on the southwest border.

Let me just go through one other aspect of the budget, because the budget has lots of good things in it in drug treatment. They have some good things in it with drug courts. They are sustaining the national ad campaign. But I have a deep fundamental concern. The ranking Democrat on our subcommittee the gentleman from Maryland (Mr. CUMMINGS) and I have done multiple letters to Members of Congress over the past few weeks, Dear Colleagues, from police chiefs. This is not a question about cutting drug dollars. This is a systematic, philosophical change of this administration in how they want to approach narcotics. What they have done are the following pieces. As I described at the beginning, there is a prevention component, an international component, a law enforcement component and a drug treatment. On drug treatment, they are fine. In international, they are fine. On the law enforcement and prevention, this budget is a disaster.

Let me give you first the prevention strategy. They have none. Their prevention strategy is this. These parts are fine: run national ads, do drug testing in the school, and have a flat-funded community coalitions and only the national part of the drug-free schools. What they have eliminated in the prevention program is the safe and drug-free schools program which is the program that drives directly down to the schools. They are only saving the national ones where Washington gets to make the decision which schools it goes to. The national ad campaign is basically flat-funded. The community drug coalitions are flat-funded. There is no coordinated vision of a prevention strategy. The biggest single component, bigger than the other components combined, is safe and drug-free schools and they zero out the local and State part.

That sets the tone for what is coming next, either flat-funding or zeroing out State and local. Then we get to law enforcement. Incredibly, there is no other way to say it but incredibly, they propose in effect to gut the HIDTA program by transferring it to OCADEF and then to eliminate and zero out Byrne grants which funds in many cases the drug task forces. They are then proposing, also, to cut back the dollars that go for equipment for local drug task forces, CTAC, and that when you put this together, along with a whole series of other smaller things that they are doing, let me describe briefly what the high intensity drug trafficking thing was and the philosophy and why we created a drug czar's office, because there are really two components to this. We created a drug czar's office in the United States because what happens to the FBI, what happens to the Department of Homeland Security, what happens to lots of different agencies is they are fair weather friends on the drug war. Their primary mission is not narcotics. The FBI's primary responsibility is organized crime. The FBI deals with multiple issues. Many times that is narcotics. But when other things arise, they are diverted. They are not fair weather friends in the sense of philosophically. They are fair weather friends that if the Attorney General says, boy, we have this problem over here, church burnings over here, missing children over here, national security interests over here, we have this problem of stolen patents over here, the FBI runs to those issues. They are not like the DEA. They do not have narcotics as their main enforcement. The Department of Homeland Security has so many missions, the Coast Guard alone can have their head spinning. They are supposed to protect a Great Lakes nuclear power plant, but if a sailboat tips over, they are supposed to run out there and also catch any fishermen. So they have a homeland security thing, a search and rescue which is still mostly what they do, and a fisheries component. And, by the way, catch any narcotics that are on the water. So they are running around. Narcotics is one of their missions but not their primary mission. The question was, we needed an office in the United States, a Cabinet level, that says drugs are my mission.

Inside the Department of Homeland Security we created a counternarcotics office because we need somebody in that agency who stands there with some staff, that is his staff, not detailees like is currently the case and unfortunately still the case with our bill today, who can sit at the table and say, hey, guys, don't forget about narcotics. Remember, homeland security is related to narcotics. With Mr. BONNER and others, we have the former head of the DEA, but we are not going to have that all the time at the office of Customs and Border Patrol. We have to have a systematic way that narcotics are built into the Department of Homeland Security and that we have a drug czar, a director of ONDCP, who focuses on the drug issue.

The HIDTA program was set up as a 50–50 vote. What we said is, let's send $2 million, $3 million to the city of Chicago. Then maybe the City of Chicago will have their local law enforcement people come in and we will get a unified center to pool our resources. So, for example, we stop these embarrassments like one where the distinguished junior Senator from New York, when she was the First Lady, was going shopping and they were about to do a drug deal where she was going in and potentially have a shootout, only the Secret Service was not integrated until we had HIDTA with how to share the information. Or many of us have heard stories about the FBI arresting the DEA because they did not deconflict, or national law enforcement arresting local law enforcement people after doing a 6-month case with thousands of dollars, finding out that the person that were selling and the person that were buying were both working for the government. So we run deconfliction centers. We have attracted local law enforcement in to coordinate. Because we said, look, if you come in here, we are a 50–50 partnership. We are going to set up these in the highest risk areas of the United States, along the southwest border, in the big cities. In New York City, we have consolidated homeland security and narcotics and we have a tremendous HIDTA that is regional across into New Jersey and Connecticut and New York and this budget would bust it up. It would just end it.

The police chief from Phoenix could not have said it more clearly at our hearing. He said, my mayor told me in city council that I have to cut my budget in the city of Phoenix for police. I have three people over at the high intensity drug trafficking area, the HIDTA. I realize they are doing the arresting. They are critical to our anti-narcotics efforts and our crime efforts. I asked him what they want in the city of Phoenix. He said, go after murder,

drugs and gangs. He said, they are all three the same thing. They are drugs. Eighty-five percent of the murders, all the gangs, they are all narcotics. So we kept the three people in the HIDTA and I cut other people. But let me tell you, you transfer this to OCADEF or another agency from HIDTA, they are gone. We had a cooperation agreement with the United States. The Justice Department says about OCADEF, which is a wonderful agency and has a function, but it is Washington-run. It does not have a 50–50. I asked them about that. They would not guarantee that. They do not have a plan. They do not know why. They do not have any evidence that the HIDTAs are not working. In fact, we have a 5 percent reduction in drug use around the United States. All these things are working reasonably well. They cannot list one single HIDTA that they want to get rid of. What they want is control of the funds and HIDTA does not give them control of the funds because the HIDTAs have, in Chicago I think it is $30 million invested from State and local and $3 million from the Federal. That is a wonderful deal, if we could leverage $3 million and get $30 million and we are seeing this in market after market.

So what does the administration propose to do it? Gut it. Then the Byrne grants are there. That is a complete zero out. My drug task force in my district does not exist without a Byrne grant. That is what keeps it there. That is what has kept it there for the last 10 years. Every year they have to spend a limited amount of coming in here saying, please deal with the Byrne grants because we keep proposing it. Every year we put the Byrne grants down. This is the year to say, Look, we're not going to change this program. Stop proposing it. We're not going to change. But this year because they are doing Byrne grants simultaneously with the HIDTA changes, simultaneously with nationalizing the drug-free schools programs, simultaneously reducing the money going to State and local law enforcement for equipment, what you see is a national strategy that I never thought I would see out of my party, which is Washington knows best because you guys at the local level just don't cooperate right.

And then they are eliminating the meth hotspots program. This is a program that is not authorized, that is not developed. So how did it get to be $35 million last year? I was told, well, these are earmarks and we don't like earmarks. Welcome to the real world. Congress does earmarks. I have been suggesting to them for several years, maybe, if it is a growing program and $35 million is now coming through in earmarks, you ought to come up with a meth strategy, because maybe Congress is going to pass it again. My prediction is that meth hot spots will still be there because the number one thing of anybody who has a district with meth is, I have got to go after this meth and I am going to go into the appropriations bill and I am going to earmark it because if the drug czar does not deal with it, if the Attorney General does not deal with it, if DHS does not deal with it, then I have to deal with it because nobody else has a strategy to deal with meth in my district. So the idea that they are going to zero out meth hot spots is a tad too cute for the budget. We are not going to eliminate the meth hot spots program. We have to figure out how to run a better antimeth program. We have to figure out if there are problems and making the HIDTAs more integrated with the national strategy and work with it. But democratic government and empowerment suggests that if you have got in the United States right now, every single police chief, every single anti-narcotics officer, we have checked, the head of the National Narcotics Officers Association has said, he does not know one person who is for the President's budget with this and he does not even know one narcotics officer in America who was asked.

At our hearing on this, the head of the National Narcotics Officers Association said this. The head of the Speaker's home HIDTA in Chicago said he had not been asked. A sheriff who heads the meth HIDTA in Missouri, who was recommended to us by our Republican whip, said he had not been asked. The head of the Baltimore-Washington HIDTA for this area said he was never asked. The vice chairman of the southwest border HIDTA, the police chief in Phoenix, said he had never been asked. If you do not talk to the southwest border, if you do not talk to the leadership's home HIDTAs, if you do not talk to a single narcotics officer in the United States, how do you have the gall to send us a budget to nationalize this?

It is really important that fellow Members of Congress send a clear message. We believe in State and local law enforcement cooperation with the Federal Government and that our antidrug efforts are working. We need a resounding vote for the success of this program and continue to improve it.

EDUCATION

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today is May 17, 2005. On May 17, 1954, the United States Supreme Court issued a decision in the Brown v. Board of Education of Topeka, Kansas case. Last year we celebrated the 50th anniversary of this landmark case. I expect to be joined by some colleagues of mine from the Congressional Black Caucus tonight to again take advantage of this anniversary, the 51st anniversary, to highlight problems related to education. Not only education as related to the African-American community, to minority communities or to poor communities but education in general needs more attention in America. Whatever activities there are that allow us to focus attention on education, they are very noble and worthwhile activities with a very useful purpose.

□ 2030

We need to spend more time focusing on the role that education plays in our society, and this is just one more occasion where we can do that.

I want to congratulate the people who participated last year in the 50th anniversary celebration. We had a marvelous array of people who joined in highlighting that landmark case's 50th anniversary: corporations, foundations, all kinds of groups participated in highlighting that landmark decision. I want to particularly congratulate the Library of Congress, which had an exhibit which ran from May 13 to November 13 last year, 2004, which was entitled, ''With an Even Hand: Brown v. the Board At Fifty.'' It was a fantastic exhibit which laid out the story in great detail, a lot of inspirational background and facts.

On May 17, 1954, the decision was issued declaring that separate education for children is inherently unequal. The Court held that school segregation violated the equal protection and due process clauses of the fourteenth amendment. African American activists laid the groundwork to challenge the racial segregation in public education as early as 1849 in a case called the case of Roberts v. the City of Boston, Massachusetts. The Brown case was initiated later and organized by the National Association For the Advancement of Colored People, the NAACP, recruiting African American parents in Topeka, Kansas, for a class action suit against the local board of education. In 1952, Brown v. The Board was brought before the Supreme Court as a combination of five cases from various parts of the country; it was not just Brown, but four other cases altogether; and they represented nearly 200 plaintiffs at that time.

The NAACP, through Brown, sought to end the practice of ''separate but equal'' throughout every segment of our society. It was to be a landmark decision. From education we went on to transportation, dining facilities, public schools, and all forms of public accommodation. So it was a decision that benefited us across the board, and I think we ought to take a moment to note the fact that it brought to all of us, brought to the attention of all of us the role of the Federal Government in education. It highlighted the fact that there is a major role that the Federal Government has to play in education. The Federal Government has always shown an interest in education. There are examples which I will talk about later of early, very early actions taken

by the Congress with respect to guaranteeing that States carried out some educational function.

On May 17, 1954, Chief Justice Earl Warren read the decision of the Court which stressed the importance of education in American life. This is going to read as if it was written yesterday. Chief Justice Warren said: ''Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today, it is the principal instrument in awakening the child to cultural values and preparing him for later professional training and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity where the State has undertaken to provide it is a right which must be made available to all on equal terms. Today these words ring equally true as we prepare our children to live and compete in the global economy.''

These are the words of Chief Justice Earl Warren in 1954. They show a great deal of profound insight and vision, and we are using the same language today and still having the same problem of convincing the American people, certainly those who make the big decisions about how we use our resources, that education should occupy the foremost place among our priorities for public activities.

I am going to later on deal with a case history involving my own State of New York, which directly runs contrary to statements made by Chief Justice Warren in 1954. In the great enlightened State of New York, which prides itself on leadership in so many other areas, the failure to provide a sound, basic education for the children of New York City is a major item of controversy that has been raging for the last 10 or 12 years. Today we are at a critical point where the Court has ordered the legislature to stop swindling the children of New York City and provide additional funding from State funds to make up for some of the failures of the past and to also continue providing the kind of education needed. That case I will come back to later as exhibit number one of what the problem in education is.

Regardless of whether we are talking about separate but equal, the lack of a decent education for minorities or the poor, or we are just talking about education in general, even the best education in America, the education offered in our best schools is inadequate; and every time we are measured against international standards, we are clearly falling behind. In the most powerful Nation in the world, in the Nation that rightly deserves the role of leadership, we are endangering ourselves and our future by failing to pay attention closely to education.

The Congressional Black Caucus has consistently provided the impetus, been the conscience of the Congress on matters related to education. We have always made education the number one priority of the Congressional Black Caucus, and that is still true today under the leadership of the gentleman from North Carolina (Mr. WATT), who is the president of the Congressional Black Caucus.

The emphasis is on closing gaps between a lot of different kinds of activities and services in America, closing the gap between the African American community and the mainstream community; but education is particularly singled out as number one, the need to close the gap related to achievement and opportunity in education. So we have again advanced that. There was a Congressional Black Caucus alternative budget; and in that budget, the stress was placed on education.

We chose in that budget to highlight the fact that there is $8 billion in the military budget for a missile system that most scientists and even military experts say is almost useless and never going to be fully completed, and that beginning with that $8 billion, we should be transferring funds for some of our other objectives, certainly those related to the fact of an overblown military budget, to critical measures such as education. The best final analysis will be an educated population. It is the best defense today; it will be even truer tomorrow as we go forward.

The Congressional Black Caucus particularly singled out one bill that was introduced by a group of us under the leadership of the gentleman from Pennsylvania (Mr. FATTAH), which is called the Student Bill of Rights. The Student Bill of Rights has been introduced in several sessions, and it was reintroduced just recently on May 5 of this year. The Student Bill of Rights may be called accurately by many other names. In the past I have used the language, The Opportunities to Learn bill. The Student Bill of Rights means that the government has a responsibility to provide an opportunity to learn or to provide opportunities to learn in every way possible.

When we break down the general Student Bill of Rights proposition, it breaks down into the right to have the necessary resources to be educated. The right to have the necessary resources means that we must start with decent funding for teachers' salaries so that the people who are actually doing the teaching, who are most important in the process, are paid reasonable salaries, can expect to have reasonable careers, will stay and make use of the investment we place in them to teach children. And as the world becomes more complicated, these same people will have an incentive to stay with their profession and get the additional education and be able to provide a more and more complex form of education.

So a bill of rights means an opportunity to learn. One of those opportunities has to be the opportunity for providing decent teachers and decent administration personnel and decent counselors. The whole apparatus of human resources for the school system comes first. But there are many other opportunities to learn which also must be taken care of.

The facilities. We need to have a decent place for teaching to take place. Yes, it is true that Aristotle, in the days of Aristotle and Plato and Socrates, they defined a school as being a log with a teacher on one end and the student on the other end. That was adequate. That is not adequate today in a world where we are trying to educate young people to play a role in this complex society of ours. We need laboratories. We need libraries. We need a physical infrastructure which houses all of this appropriately. That is as much a part of the opportunity to learn as anything else. A bill of rights for students means that that opportunity to learn should be there.

School construction is a vital part of the process. School construction and the failure to have adequate school construction has led to a situation where many, many teachers who are quite dedicated and people who want to remain in the school system leave the school system because, one, they are teaching in facilities which are outdated and make it difficult to teach; two, they are teaching in facilities which are endangering their health.

There are situations where the health of the children and the health of the teachers is endangered. Large amounts of asthma cases were found in certain areas in New York City. It has only been about 3 or 4 years since we eliminated the last coal-burning furnace in a school in New York. That took a drive and a whole campaign to highlight the fact that we still had coal-burning furnaces. Our high asthma rate often ran parallel, high asthma rates in children ran parallel to the schools with coal-burning furnaces. Teachers themselves were having respiratory problems and illnesses. So you cannot separate the physical facility from the whole process of education.

And, of course, most of our schools in a place like New York City and like New York City have very meager libraries. Elementary schools have rooms that are called libraries, but they are really not anything near the kind of libraries which are recommended by library professionals. The kind of libraries we will find in any suburban school we will not find in an elementary or junior high school within New York City and many other urban cities.

I use New York as an example because the case history there is very pertinent. The pattern of what has happened in New York City is a pattern of

what has happened all over the country. We have large concentrations of minorities and the poorest people in the cities, and that is where we have the worst education. Why? Because they are segregated? No. Even if you had maximum integration, we would still have the same problem, unless we deal with the problem behind the problem.

Why did we have segregation in the first place? Why did we need Brown v. Board of Education to end segregation? If the white power struggle insisting that we had segregated schools had been willing to raise the money and provide the resources to make every school for a nonwhite equal to the white schools, the issue probably never would have come up. It was the great disparity that existed between the schools for the African American students, the Hispanic students, and the poorest students of other minority groups, that great disparity which kept causing the problem.

The disparities were great when the schools were separate, and the unfortunate fact is that in 2005 those disparities still are great. You can go into any city, big city, and you will find several different classes of schools. You will find very good schools in some areas, and the poorest of schools in other areas, because of the fact that the problem is, the problem behind the failure of the education system in America is that the people with the power, those who make decisions in the Congress, State legislatures, in the city councils, in the executive offices of the President, the Governors and the mayors, those people who make the decisions and have the power to transform the school system do not really believe in public school systems anymore. They do not believe that they are vital.

When we believe things are important, we take action. We do not stand around and complain about how much they cost. We take the necessary action. When we wanted to put a man on the Moon, the extra billions of dollars that it took to put a man on the Moon was not an issue.

□ 2045

President Kennedy said we will go to the moon, and one President after another endorsed going to the moon and to outer space and on and on it goes, because we consider that important.

It is important, because it had a military objective if nothing else. At that time it had a military objective, and we were driven very much by the fact that the Soviet Union beat us into outer space. The Soviet Union sent Sputnik up circling the globe at a time when Congress and our executive branch said that the Federal Government should not be involved in education, that it is a matter for States, and the States would be offended if we got involved.

They looked at the situation and saw that the way the Soviet Union beat us into outer space was to build a system of scientific education. We produced a massive number of scientists and engineers who could do the job. So we had the Defense Education Act. Many Members of Congress are too young to remember. The Defense Education Act was the first great forward movement of the Federal Government into education.

The Defense Education Act provided funds down to the elementary, secondary level, and up to the colleges, to improve education in the areas of math and science. And if you do that, of course it helps to improve education overall, because the resources provided for education in math and science can be then transferred to other areas, and education would benefit overall.

Later on under Lyndon Johnson, it became more codified in terms of understanding that this Nation was embarking upon a venture in history which required a massive amount of people who had education. So Lyndon Johnson, of course, came forward with the Elementary and Secondary Assistance Education Act, which provided funding for the schools on the basis of helping the poorest schools, the recognition that if there was a fear that the Federal Government would take over education at the local level, then we should proceed only to help those local education agencies that had problems with poverty, they could not afford to educate all of their students, so the poorest districts were the beneficiaries of the Elementary and Secondary Education Act.

Title 1 is a major title under that, and that is still true today. Title 1 is primarily focused on the poorest schools. No Child Left Behind, which encompasses Title 1 now, focuses primarily on the poorest schools. So it is understood that the Federal Government has a role to play in education, it is understood that no nation at this point in history can survive unless it pays a great deal of attention to its education system.

There is an immediate threat that we are feeling economically already in the area of high-tech education, where we thought we will always be the leader, we will have the most people who are scientists and engineers in the information industry area, that always no one can catch us there and keep producing better and better technicians and scientists and our manufacturing operations and design operations would always be ahead of the rest of the world.

We still are ahead of the rest of the world. We still are. But there is a great problem that has already been introduced at the lower levels where you cultivate the programmers, the technicians, the first level scientists. They are finding in all of the information industries that they can get cheaper personnel at the same education level or even at higher education levels by going overseas to places like India and Pakistan, and the Chinese are learning English very rapidly themselves.

The most renowned university in the area of science and engineering and information industry now is not Massachusetts Institute of Technology, it is a university in India that is recognized in the world as being the leader in the field of science engineering that has overtaken and left MIT behind.

That is just one indication of what is happening in the world because there are people who clearly understand. But the people who make decisions in our Congress and in our State legislatures do not seem to want to understand. We want to spend billions of dollars more for missile systems that do not work, billions of dollars more for jet planes that already nobody can catch. I mean, we already have planes that nobody can keep up with anyhow, no other force, no other nation is manufacturing planes of the caliber of the ones that we have, but we want to go forward and do new ones.

We want to go and fight a war in Iraq, solving a problem that had to be solved in the worst and most expensive way. And last week we just voted another $82 billion dollars for the war in Iraq, bringing the total up above $300 billion.

So we are setting priorities, but the wrong priorities. No nation, no matter how powerful it is, and how rich it is, can endure by wasting its resources in the way that we are presently wasting ours. Instead of investing our resources in our people and our infrastructure, and our own Nation, we are wasting our resources in numerous ways and one of them of course is the war in Iraq which is a war that we certainly can never ever win.

The war in Iraq's best conclusion, peace, will mean that the Shiites, who are the predominant population, will take over. If you have democracy, they will have the votes, and they will take over, which is wonderful, democracy should work. Whoever is in the majority should be there.

It just so happens that the Iraqis are right next to Iran, which is a Shiite nation overwhelmingly ruled by Shiites, and they have their own agenda, which is not friendly to our Nation. So we are going to hand them some partners and hand them a nation as a result of our blundering in Iraq, trying to solve a problem with force that had to be solved in some other way.

But, let me return to the celebration, the recognition of this day as the day where the landmark decision of the Supreme Court, Brown v. The Board of Education was decided, and say again that it highlights a turning point.

It forced the issue up to the national level. And we are still struggling with that today. As I said before, the Congressional Black Caucus has followed through and continued to put it on a front burner before the Nation. We are the foremost advocate for education reform. We are willing to spend the money necessary for education. We are willing to take it away from wasteful expenditures in places.

And the concrete piece of legislation is our Bill of Rights, which I will talk about in more detail in a minute. But in the last alternative budget, the Congressional Black Caucus alternative budget, under Function 500, education and training, we alone had large significant increases for education.

School construction we said should be increased by $2.5 billion, at least. You really need to spend more like $10 billion a year for the next 10 years to just get our schools back to a reasonable level so that local and State governments can then take care of them.

There is a great deal of lack of resources at the State and local level, unlike ever before. Our State and local governments are broke. All of the more reason why our Federal Government, which has the most money, all funds are local, we do not make any money here in Washington really, we print something we call money but it is all based on what happens at the local level. All taxes come from the local level. People live some place in the Nation, who pay their income taxes, and their other taxes, and that generates what runs our Government.

So all taxes are local. The money does not belong to the Federal Government. And we should have a greater voice in spending the money for the priorities that benefit the greatest number of people at the local level, not for a military machine that is somebody's dream, a Star Wars dream, a military machine that is out of control, very poorly planned, could not even fight the limited war that it undertook in Iraq.

But getting back to the Congressional Black Caucus alternative budget. School construction, we proposed to spend $2.5 billion more. That is $2.5 billion more than zero. We are spending almost nothing on school construction now. We have some funds in the budget for charter schools. Charter schools are a favorite of the majority party, the Republicans like charter schools.

The President likes charter schools. So they went contrary to their own philosophy, because the philosophy and the rationale that they have used is that we should not get involved in funding school construction, because that is a local and State matter. But if you like charter schools, as they do, they are willing to go right ahead and fund charter schools at the State and local level because they like charter schools.

But the funding for charter schools is a small amount too, I assure you. No Child Left Behind, which is the encompassing Federal education program, Title 1 and all others, we propose another $12 billion for No Child Left Behind.

Elementary and secondary school counseling, we impose vocational education, $1.5 billion more. In that same area of Function 500, related to education is job training. Adult education, we propose great increases there.

Head Start we propose a $2 billion increase. Head Start has over and over again been certified and cited by numerous scientists, numerous scientists, I mean education scientists, numerous experts as being a very successful program. And yet we keep chopping away at it, evaluating it to death, and finding excuses not to fully fund Head Start. $2 billion increase in Head Start would still not fund all of the children who were eligible, but it would move us in that direction.

I might add that Head Start is not a program for minorities. Head Start is a program for poor children. And as a result, I would wager that at least 50 percent of the children who are served by Head Start now are not minorities, they are from the mainstream, they are poor. And it is important to have Head Start for them as it is for anybody else.

Individuals with Disabilities Education Act, we propose $2 billion. What is that? That is part of special education. Special education has become quite a problem at the local level, because the Federal Government has mandated that special education must be provided as a right to any child with disabilities. We mandated it. At the time that law was authorized and mandated, we said we would pay 40 percent of the costs. But we have never paid 40 percent of the cost. We are up to about 12 percent of the cost of special education.

So what we do is we mandate this, they must do it at the local level. It puts a strain on the local education agency's budget, and hostility is generated toward people with disabilities or children with disabilities as a result of the extra costs that is necessary to educate children with disabilities. We propose a $2 billion increase as we move toward the original authorization of 40 percent of the total cost.

Historically Black colleges and universities, we propose a $500 million increase there. Hispanic-serving institutions, $400 million increase. TRIO. TRIO is a program which helps to prepare youngsters for college and helps those who are in college to get off to a good start. We have found that in the year 2005, in the last few years, enrollment in colleges is going down rapidly among minority and poor students. We do not need enrollment going down, because in the final analysis, for a complex society the way you increase the pool of educated people is not by educating those who are normally going to be educated anyhow, the rich and the middle class are normally going to find ways to be educated. They always have. But as the demands on our society become greater for more educated people and more people, more education at different levels, you know, a plumber, a plumber's helper, all kinds of people need greater knowledge than they needed 20 years ago. If you do not educate that class, you are not meeting the needs of a modern society.

□ 2100

So the pool has to continue moving. The pool has to grow; and if you do not grow the pool, you are failing to build for the future.

Our children will spit on our graves when they look at how we have squandered so many billions of dollars on meaningless activities while our education system crumbled. They will wonder what happened to this generation, what were those men and women in Congress doing, where were their heads, how dumb were they, how stupid they were at looking at the situation and understanding the implications of where the world is going.

They will wonder why we chose to waste $300 billion on Iraq, a war which has been discredited by the fact that the President led us into it with a group of false assumptions, a war which we cannot win, a war which only hands the Iraqi nation over to Shiites which control Iran right next door. The kingdom of Iran will be expanded as a result of the end of this war.

We had a situation which backfired on us totally. They will wonder why we did it, why we were so dumb. Everybody makes decisions, whether they are in Congress or local legislatures and State legislatures or in the White House. Everybody who makes decisions should be held accountable. We are expected to have the information we need in order to go forward. So if our population in general is not wise or is greedy and they want massive tax cuts instead of expenditures for necessary infrastructure services, expenditures for education, if they are unaware of the implication of what is happening right now in China, what is happening in India and Pakistan, to say nothing of the Soviet Union, which is overlooked, we assume that the Soviet Union is standing still, but the massive education system of the Soviet Union has been cranked up again, and the Russians, the young Russians, are learning English rapidly, too.

We are concerned about Social Security. A displacement of our young working population will take place on the level of a tsunami. It will be so massive in about 10 to 20 years that we will just never know what hit us because outsourcing will be so much cheaper than hiring people who live and work in the country and pay taxes in the country.

Outsourcing to the Soviet Union, to India, to Pakistan, to China is a very interesting phenomenon. The Chinese have a Communist government still. They do not pretend they have a democratic government. They are Communists, and there were times when the business community of America, every businessman would foam at the mouth and go crazy if you mentioned communism or Communists having some kind of advantage. Yet our business community has embraced this Communist authoritarian, totalitarian regime fully, wholeheartedly because they can get a few extra pennies from the relationship, because they can profit greatly.

They have a program called Guided Capitalism, mongrel capitalism; but at

the top of it, you have a totalitarian, authoritarian group that is no different from the Communists who were there 50 years ago. They have enlightened ideas about economics. They are smart enough to know that they can build their economy on the backs of the American people and the American economy. They are even loaning us a great deal of money now to take care of our deficit. They are very bright people. After all, they have been in existence for more than 2,000 years as a unit. They have been operating together so they have the ability to see all of this and to proceed with these kind of machinations, which overwhelm this Nation and is not surprising; but we are smart enough, it seems to me, to wake up, and we must wake up, to the fact that the first threat of China is the educational threat.

When I was in grade school, I remember very vividly and was impressed by the fact that China was such a huge nation. It has always been a huge nation with a huge population, but the geography books kept repeatedly saying that China is a backward nation. The word ''backward'' sticks in my mind. China is a backward nation, but Chinese are backward people. Some kind of assumption in a young mind, you think, well, do they walk backwards. What does backward mean? Well, it was a racial slur. It was saying that they are inferior, the Chinese; but we know now if we did not know before that there are no inferior human beings on the planet.

Education makes the difference, and when you have a government like China's, even though it is a totalitarian, Communist, authoritarian government, it places a high priority on education. It knows that gaining a large amount of power over a short period of time is directly related to the number of people they educate.

Osama bin Laden, why are we so fearful of Osama bin Laden? Because Osama bin Laden is not some fanatic out there with a beard in the wilderness. Osama bin Laden is an engineer. Osama bin Laden is a well-educated man. The 19 murderers who crashed their planes into the World Trade Center and the Pentagon and headed for this Capitol, they were educated. The financing structure for al Qaeda is a very well-orchestrated financial structure. They are using experts. They are taking advantage of every weakness in America, every weakness in the developed nations, as well as the developing nations, too, of course.

We had earlier here tonight a presentation by one of my colleagues about the drug industry and the way in which the Afghan warlords are still being financed and the way in which the Islamic extremists are still being financed by drugs. Who is buying the drugs? Who are they manipulating in this situation but the developed nations?

So what I am saying is that at this point in history it would be wise for us to take note of Brown v. The Board of Education as an important time to each year examine where we are in education in general.

Segregation was the first problem, but the problem that caused segregation is still a major problem of education in America. The problem that caused segregation was the refusal of the power structure, those people who control the resources and the money, to provide the funds to equally fund and create equal education. If equal education had been created, if they had built schools in the black community which were as good as schools in the white community, if they had had salaries for the black teachers which were the same as the salaries for the white teachers, the administrator structure and everything else, you probably never would have had an issue being made out of segregation. But the very heart of the inequality is the failure and the refusal of people in power to use the resources for those who have no power and who have little power.

The failure in our big cities is that we have people in our big cities who are suffering because they have very little power. The people who are making decisions, the mayors, what we call the permanent government, the businessmen behind the scenes are who decide which candidates they are going to finance. Usually they place the highest on cutting taxes, keeping taxes low. It does not matter what the needs are. They used to be willing to sacrifice the school system and have an inferior education system, but now they are beginning to cut into the firemen and the police, and any public activity is now on target since they have gotten a taste of what tax cuts can do.

It is monumental greed that can only be counteracted by leadership, people elected, and people elected should have time to study the situation. People elected should be accountable to our children and our grandchildren about what kind of society we are building, and we should let the people who are greedy and selfish and do not want to pay another penny in taxes as a first instance, make them understand that they care about their children, they care about their grandchildren. We are like every other living thing in this world on this planet.

Our offspring, the continuation of our species, is a major concern of ours, a major motivation of ours; and when we take our resources and refuse to develop them, to promote a structure which is going to support the development of a society for our children and our grandchildren, we are doing them a great disservice.

Everybody talks about education. Everybody should be concerned about education. Education is very complicated and folks are trying to oversimplify it all the time.

The story of the blind men who were feeling an elephant and each one came to a different conclusion because of the part of the elephant they felt, they assumed that that could define the elephant. Well, in the case of education, it is just blind men feeling a dinosaur. There are so many different parts. It is so complicated until we should not oversimplify. We should not expect easy answers.

If a missile system can be tested again and again and each time it fails and one of its missiles explodes accidentally it is 18 to $20 million and we are willing to live with that, we should live with experimentation in our schools. We should live with systems that are not evaluated or up for evaluation every 2 years, but are given a chance to succeed.

In the New York Times today, May 17, 2005, research finds a high rate of expulsions in preschool. Kids in preschool are being expelled from school at a higher rate than children in the normal pattern from 1st grade to 12th grade. We have a difficult problem here. It is an increasing problem. Some say, well, we have got more kids in school so we have got different backgrounds. But basically, we have a problem taking place at the pre-kindergarten level which has already shown itself in the early grades and in junior high school and high school.

We have an excitement gap. We have children who live in a very electronically hyped world. They have television, all kinds of devices and gadgets. They go to school and it is too dull, and some of the brightest kids are some of the first who act out. It means that it is just one more area where more resources have to be put in instead of expelling kids, which is ridiculous. We should be finding ways and doing whatever is necessary to make sure that they are there.

I said before that the Indians, Pakistanis, a number of developing nations understand the need for education in order to develop their societies, their economies; but a greater threat still and more immediate threat I started to talk about and did not complete, and that is educating people who are extremists and people who hate our way of life, the people who are ready to die in order to destroy us. They are educating them, also. They know that a human being can be taught to become a brain surgeon, a bomb maker who then can be taught to effectively man a machine gun or fly a plane into the World Trade Center. Human beings have that capacity.

So you have what you call a network of madrassas. Ever heard the term madrassas? It is a new term. After 9/11 we discovered that there are schools in places like Pakistan and Afghanistan and Saudi Arabia and a number of other places where they are learning not just science, math and religion; but they are learning how to hate and learning how to be willing to sacrifice themselves if necessary against the infidels.

So you have a massive number of people at various levels who are seen as resources. If we do not see our own population the same way, everybody as a

resource for our goals, then we are going to also experience some of the same kind of problems internally that we are facing externally.

By that I mean you are going to have youngsters who live in America, who come to the American system, who hate America, who hate in general, who are willing to take up any kind of cause and fervently pursue it in some kind of suicidal venture. Yes, we can always defeat them and always have a strong Navy and Army and Marines, but we have to pay a very costly price if we do not understand that every human being deserves to be developed and should be developed for the benefit of the Nation, and his mind and his skills should be shaped in a way which benefits and not cut them off and ignore them and let them become driftwood.

□ 2115

We are increasing our expenditures at a much more rapid rate in our prison system than in our education system. We are willing to pay $20,000 to $25,000 a year to incarcerate an individual. We are the Nation now in the world with the largest number of people in prison, more than 2 million and climbing. It used to be mostly men, now we have an increase in the number of women who are in prison. That is a statement about the wrong way to educate, the wrong way to proceed in developing our population.

Mahatma Gandhi said, when he went to visit a big nation, a big city, he said where are your exploited people? Who is oppressed? And he was told by the mayor and leaders of the place at the city, we have no oppressed. He said, oh, yes, you do. Take me to your prisons and I will show you who are oppressed. Take me to your prisons, and the people there, the types of people there will be an indication of who is oppressed in your society.

Take me to your prisons and you will find African American males way out of proportion to their numbers in the population. You will find Hispanic males way out of proportion to their numbers in the population. Take me to your prisons and you will find $20,000 to $25,000 a year being spent on those individuals while we complain in New York City about spending $8,000 a year on children in the schools of New York.

I want to close by just quickly highlighting the Bill of Rights that I talked about that the Congressional Black Caucus sees as its centerpiece in its effort to maintain a high profile for education matters. As I said, the bill was reintroduced on May 5, 2005 by the gentleman from Pennsylvania (Mr. FATTAH) and numerous other sponsors. Among its findings is stated: A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and for achievement of the historical aspiration to be one nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of educationally inadequate or inequitable State public school systems in which high-quality public schools serve high-income communities and poor-quality schools serve low-income, urban, rural and minority communities. That is finding number one.

Finding number two. There exists in the States an ever-widening educational opportunity gap for low-income urban, rural and minority students characterized by the following: Highly differential educational expenditures among school districts; continuing disparities within the States in students' access to fundamentals of educational opportunity; radically differential educational achievement among public school districts within the States; and on and on it goes adding up to eight major findings that are part of the introduction to the Bill of Rights, H.R. 2178.

Mr. Speaker, at the conclusion of this special order I will submit for the RECORD the findings of the Bill of Rights for Education, as well as other items relating to this topic.

Finally, Mr. Speaker, I would like to conclude with the case history that I mentioned before, the case in New York City which points out exactly, in a specific example, what is wrong with our education system in America.

We have a rich State like New York. It is not a poor State at all. We have a huge budget. We spend large amounts of money on numerous items that could be considered optional and luxuries. We are now embarking on the building of a great stadium in Manhattan for one football team, the Jets, and for the Olympics, and the city proposes to put $100 million in, and the State will put $100 million in. They say the rest will be paid for by the Jets' ownership. But all estimates are that before it is over the city and State will put in more like $.5 billion in order to make it work. We are selling valuable real estate at pennies on the dollar, on State-owned property upstate. The Governor recently gave away a major property for $30,000, and on and on it goes. The money is there but the will and the power is not there to use the money for education.

In New York City, a case was brought more than 10 years ago by a group called the Committee for Education Equity, CFE. That committee won the case at the first level. Justice Leland DeGrasse ordered that the State must spend $5.6 billion in operating funds over the next 4 years. In addition to the State aid it was giving the city already, it had to give additional aid, and $9.2 billion in capital funds over the next 5 years to bring them up to par.

Why is this necessary? Because for the last 30 years the New York City students have been receiving less money per pupil than students in the rest of the State, and this is to correct an inequity, an injustice. It took the courts to do this. But the judge ruled it and the case has been thwarted and avoided for the last 3 or 4 years by the Governor of the State.

The Governor first appealed the case, and so it went to the appellate division of the New York State court system. That is the next level. The appellate division overturned the original judge's decision; said he was wrong, you do not need additional money because in New York State all you need to do is to provide an 8th grade education for students to be able to come out of school, get a decent job and function in the society that we have at this point. All you need is an 8th grade education is what the appellate decision decided.

Fortunately, the court system has checks and balances and there was one higher level above the appellate division which looked at the decision of the appellate division and said it was nonsense, and they supported the original decision by the original judge. So it went back to the judge to make the decision which he has made, ordering the State in 90 days, 90 days was some time ago, to come up with a plan to comply with the court order.

So the Governor appealed it again and he got a stay on the order on the basis of the fact that this one had particular figures in it, and so it has been sent back to the appellate division. Let me just sum up. The same level of the judicial system which decided that all you need in New York City and the State is an 8th grade education 2 years ago, they now have the case back in front of them as a result of the machinations of our Governor. And so I sent a letter to the Governor, to the Attorney General, to the Speaker of the Assembly of the State of New York, and to the majority leader of the State Senate and asked them all to please obey the law.

There is a question about the power of courts around here. We are having big discussions here in Washington about selecting judges, and we think in the final analysis sometimes we have had bad decisions; other times we have had beneficial decisions. But either way our court system is a magnificent system with a set of checks and balances built in, and the kind of effort being made in the Senate now to take away the minority's right to have a meaningful role in the selection of judges is going to jeopardize this.

But, presently, the courts are there and they ought to be obeyed. They ought to be obeyed. Sometimes judges order our legislatures to do things, and when they do not do them they fine the legislature so much per day for every day that they do not comply. There have been examples of this. And other times there are State governments and legislatures that have ignored courts and the courts have done nothing about it.

An historic example of Andrew Johnson being ordered by the Supreme Court of the United States to let the Cherokee Nation alone and not drive them off their land in Tennessee. Andrew Johnson ignored the Supreme

Court, and of course nothing was done about that. So we have a problem which needs to be clarified in law in our society. The courts ought to be obeyed. You go to the courts as a last resort.

So I wrote this open letter to Governor Pataki, the Attorney General, and the other people where I said please obey the law. New York's highest court has ordered the State of New York to provide New York City schools an additional $5.6 billion in operating expenses over 4 years, and $9.2 billion in facilities funding over 5 years to ensure that the city's children have their constitutional right to the opportunity for a sound basic education. And I go on and on to say that the case has been lingering; it has been 262 days since the court deadline was passed, and we would like some action.

Mr. Speaker, I will enter this letter to the Governor of New York State, Governor Pataki, for the RECORD, because it is an example of the kind of case which pinpoints the fact that the children of our Nation, the parents of our Nation, the people who care about education in our Nation are at war with a group of leaders and decision-makers who are the major problem. They do not want to understand in many cases, they do not understand in some cases, but they are the major impediment to the building of an educational system which will cost money. It will cost resources.

Folks talk about we are spending so much more than we used to spend. When Pearl Harbor was attacked, the United States owned only four vehicles, four cars. No airplanes for the President. Look where we are now in terms of our military apparatus, our governmental apparatus. The government moved on and the United States of America moved on. We produced what we needed for World War II. We won the war because we cared about it. It was vital. We went to the moon because we cared about it. It was vital. We can do anything we care about if it is vital.

We do not understand how vital education is and that is our central problem. The leadership, including the Members of Congress, have to come to grips with the problem that we are failing the generations to come by not providing an adequate education structure. The ruling in Brown v. Board of Education set off a domino effect which has built the knowledge that the Federal Government does have a role. It has a major role, and we must stop trying to thwart that role but cooperate with it in order to build a better Nation.

Mr. Speaker, at this point I will conclude and submit for the RECORD those documents I referred to earlier:

(a) FINDINGS—The Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and for achievement of the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of educationally inadequate or inequitable State public school systems, in which high-quality public schools serve high-income communities and poor-quality schools serve low-income, urban, rural, and minority communities.

(2) There exists in the States an ever-widening educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Highly differential educational expenditures among public school districts within States.

(B) Continuing disparities within the States in students' access to the fundamentals of educational opportunity described in section 112(a).

(C) Radically differential educational achievement among public school districts within the States, as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic achievement tests and measures, including the academic assessments described in section 113(b)(1).

(ii) Advanced placement courses offered and taken.

(iii) Scholastic Aptitude Test (SAT) and ACT Assessment scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family lives, and the detriments of lower quality public education are imposed particularly on—(A) children from low-income families; (B) children living in urban and rural areas; and (C) minority children.

(4) Since 1785, the Congress of the United States, exercising the power to admit new States under article IV, section 3 of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, the following requirements:

(A) One, and sometimes two, square-mile lots in every township were to be 'granted and . . . reserved for the maintenance and use of public schools'.

(B) '[S]chools and the means of education [are to] be forever encouraged'

(C) 'State conventions [were to] provide, by ordinances irrevocable without the consent of the United States and the people of said States . . . that provision . . . be made for the establishment and maintenance of systems of public schools which shall be open to all children of said States'.

(See Ordinances of May 20, 1785, and July 13, 1787; Act of March 3, 1845, 28th Congo 2d Sess., 5 Stat. 789, Chap. 76 (admitting Iowa and Florida); Act of February 22, 1889, 50th Cong., 2d Sess., Chap. 180 (admitting States created from the Dakota Territories); and the Acts of Congress pertaining to the admission of each of the States.)

(5) Over the years since the landmark ruling in Brown V. Board of Education, when a unanimous United States Supreme Court held that 'the opportunity of an education . . . , where the state has undertaken to provide it, is a right which must be made available to all on equal terms', courts in 44 of the States have heard challenges to the establishment, maintenance, and operation of educationally inadequate or inequitable State public school systems. (347 U.S. 483, 493 (1954)).

(6) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among public school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled 'Making Money Matter, Financing America's Schools', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(8) In 2001, the Executive order establishing the President's Commission on Educational Resource Equity declared, 'A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.' (Executive Order 13190).

[From the New York Newsday, May 3, 2005.]

STATE REFUSES TO OVERTURN CFE STAY

(By Wil Cruz)

A state Appellate Division panel Tuesday refused to overturn a stay in Gov. George Pataki's appeal of a court order giving city schools billions of dollars in additional funding.

The court also said it would hear the appeal of State Supreme Court Justice Leland DeGrasse's order in October.

DeGrasse ruled earlier this year that city schools need an additional $5.6 billion in operating funds over the next four years and $9.2 billion in capital funds over the next five years to bring them up to par.

The Campaign for Fiscal Equity, which filed suit in 1993 accusing the state of short-changing city schools, had asked that the stay be lifted.

''Even though the stay was not lifted, we're gratified that the court granted our motion to expedite review of the case,'' Michael Rebel the group's executive director, said of the planned October hearing.

Pataki has maintained that in issuing his order, DeGrasse overstepped his judicial boundaries and failed to address accountability measures.

''Justice DeGrasse's ruling ignores important, fundamental, separation-of-powers principles and requires the state to spend too much and reform too little, so it's appropriate that it be reviewed by a higher court before taking effect,'' Kevin Quinn, a spokesman for Pataki, said in a statement Tuesday.

The Campaign for Fiscal Equity pushed to have the stay lifted in hopes of having the issue resolved in time for the upcoming academic year. Yesterday's decision eliminates that possibility.

AN OPEN LETTER TO GOVERNOR PATAKI ON LAW & ORDER FOR EDUCATION

April 19, 2005.

DEAR GOVERNOR PATAKI: I call on you to OBEY THE LAW. New York's highest court has ordered the State of New York to provide New York City schools an additional $5.6 billion in operating expenses over four years and $9.2 billion in facilities funding over five years to ensure the city's children their constitutional right to the opportunity for a sound basic education.

To properly shape the character and enhance the moral fiber of our children we beg

you, Governor Pataki, to show respect for law and order. You are an important role model in the lives of the youth of New York State. The spectre of public officials refusing to obey a court order baffles and discourages law-abiding citizens. We have been taught to believe that in America the courts have the power to render justice when all other avenues have closed. New York City students have been denied their fair share of funds for decades and now the courts have ordered that this injustice be corrected.

It's been 262 days since the CFE court deadline!

Governor Pataki, you have further deprived our kids by defying/appealing a court order to fairly fund our schools. The law clearly states the responsibility for giving a sound basic education to our children lies with New York State. As a public servant who has served for twenty-three years on the House of Representatives Education Committee, and prior to that, eight years on the Education Committee of the New York State Senate I want to stress the importance of this vital law and order moment in the history of New York State. After years of legislative deals, which resulted in great inequalities, the court has proclaimed justice. Along with other elected officials we urge you to OBEY THE LAW.

Please OBEY THE LAW. Set an example for our students, for our communities. Show them everyone must OBEY THE LAW.

Yours For Improved Education,

MAJOR R. OWENS,
Member of Congress.

CAFTA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized for a period not to exceed 60 minutes.

Mr. BROWN of Ohio. Mr. Speaker, nearly a year ago, President Bush signed the Central America Free Trade Agreement, a one-sided plan to benefit multinational corporations at the expense of American workers, U.S. workers, and Central American workers, businesses, small farmers, a whole bunch of us in all those countries, both in Central America and here.

Every trade agreement negotiated by the Bush administration, every trade agreement passed by this Congress since George Bush took office, Singapore, Chile, Morocco and Australia, every one of those trade agreements was voted upon in Congress within a couple of months of the time President Bush signed the agreement. CAFTA, the Central American Free Trade Agreement, some call it the Central American Free Labor Agreement, and you will understand that in a moment, has languished in Congress for nearly 1 year without a vote because this wrong-headed trade agreement offends both Republicans and Democrats.

Just look at what has happened with our trade policy in the last decade. In 1992, the first year I was elected to Congress, we had a trade deficit in this country of only $38 billion. That was in 1992. Last year our trade deficit was $618 billion. It went from $38 billion, and a dozen years later $618 billion. It is hard to argue that our trade policy is working with that kind of gargantuan swelling budget deficit.

Opponents to the Central American Free Trade Agreement know in fact it is simply an extension of the North American Free Trade Agreement, which clearly did not work for our country. It is the same old story. Every time there is a trade agreement, the President says it will mean more jobs for our Nation. The President says it will mean more manufacturing in the United States. The President says it will mean better wages for workers in the developing world, and as their standard of living goes up they buy more things from the United States.

Yet, with every trade agreement, from NAFTA through China, through every other trade agreement, those promises from the President fall by the wayside in favor of big business interests that simply send U.S. jobs overseas and export cheap labor abroad. According to President Bush, Senior, every billion dollars in trade, surplus or deficit, translates into 12,000 jobs.

□ 2130

So if you have a $2 billion trade surplus, you have a net increase in your country of $2 billion, times 12,000 jobs. You have a 24,000 job surplus increase if you have a $2 billion trade surplus.

But instead, we had a $38 billion trade deficit 12 years ago. Today we have a $618 billion trade deficit. So according to the way that President Bush Sr. figured out what these trade agreements mean, that means a job loss of 7.3 million jobs to our Nation.

You can see pretty much what that meant because many of those jobs, a large number of those jobs, are manufacturing jobs. Look at the red. The red here means greater than 20 percent manufacturing job loss in our Nation in only the last 6-or-so years. You can look at almost all the Northeast, much of the Midwest, all the textile manufacturing from the South, steel and auto manufacturing here, and steel in these areas, textiles in these areas, in State after State after State. You see this kind of manufacturing job loss.

So we are going to do more of these trade agreements so we see more manufacturing job loss? That is what the Central American Free Trade Agreement is all about. In the face of growing bipartisan opposition, and make no mistake about it, the Central America free labor agreement, Central American Free Trade Agreement, call it what you want, that agreement is dead on arrival when it comes to this Congress because large numbers of Democrats and Republicans oppose this agreement.

That is why the President, unlike all of the other trade agreements which were voted on almost immediately upon the President's signature, that is why this trade agreement has been languishing for 1 year. For 11 months and 20-some days, it has not been voted on. But this year the administration is trying every trick in the book to pass the Central American Free Labor Agreement.

For instance, the administration is linking CAFTA to helping democracy in the developing world. Defense Secretary Rumsfeld, Deputy Secretary of State Zoellick, both said the Central American Free Trade Agreement will help in the war on terror. Figure that out.

Ten years of NAFTA, 10 years of the North American Free Trade Agreement, has done nothing to improve border security between the United States and Mexico. That argument simply does not sell. The North American Free Trade Agreement did nothing for border security. We saw this kind of job loss since NAFTA, this kind of trade deficit since NAFTA, from $38 billion 12 years ago to a $618 billion trade deficit last year.

So the President's people tried to argue, tried to link the passage of CAFTA to making the world safe against terrorism. That did not work, so now just last week the United States Chamber of Commerce flew on a junket the six presidents from Central America and the Dominican Republic around our Nation hoping they might be able to sell the Central American Free Trade Agreement. Again they failed.

But they sent these six presidents to Cincinnati, to Los Angeles, to Albuquerque, back to Washington where they had a Chamber of Commerce reception at their very fancy headquarters, but that did not work because those six Central American presidents are not strong believers in CAFTA themselves.

The Costa Rican president, for instance, announced his country would not ratify CAFTA unless an independent commission determines that the agreement will not hurt the working poor of his country.

Understand what CAFTA is all about. The average income for an American is about $38,000. The average income for a Honduran or a Nicaraguan is less than one-tenth that. So think about that. A $38,000 average income for an American. And on that income many Americans can buy a washer and a dryer, and can begin to purchase a home, perhaps. Many Americans can buy a car and begin to put away in some cases a little money for a child for college or at least borrow some money and get them to college.

But on $2,000 or $3,000 an average wage in Honduras or Nicaragua, they are not going to buy cars made in Ohio and washing machines made in the U.S. or steel from West Virginia or software from Seattle. They are not going to be able to buy prime beef from Nebraska. They are not going to be able to buy textiles or apparel from Georgia. The fact is that this trade agreement is not about the U.S. selling products to Central America. It is about U.S. companies looking for cheap labor and outsourcing those jobs to Latin America. That is why we have this kind of

manufacturing job crisis. That is why we have this trade deficit that went from $38 billion 12 years ago to $618 billion today.

Get a look at these manufacturing job losses: 210,000 jobs lost in Michigan; 216,000 jobs lost in Ohio; 228,000 jobs lost, and these are just manufacturing jobs, not to mention what happens when a manufacturing job is lost. If a manufacturing job is lost in Lorain, Ohio, that means not just that man or woman loses a job. It means that family can no longer send their kids to college. It means that family can barely get along. They might lose their house. It means that town has lost a factory, which means higher school taxes; it means a layoff of police and fire. It means that education suffers. This kind of job loss, 200,000-plus in Ohio; 200,000-plus in Michigan; 200,000-plus in Illinois; 228,000-plus in North Carolina; 50,000 in Mississippi; 75,000 in Alabama; 100,000 in Georgia, that in most cases is about one in five manufacturing jobs in the State.

These numbers may not mean anything to Members of Congress; they are just numbers. But think about the families that lose these jobs. Think about the breadwinner coming home and saying to his wife, we lost this job, how do we clothe our kids? How do we pay for medical care, and what are we doing about the police and fire in our neighborhoods because this plant is shutting down? That is what this trade agreement is about. They are about workers in our country, and they are about workers in the developing world in Latin America.

About 5 years ago at my own expense, I flew to McAllen, Texas. I wanted to see the face of NAFTA. I knew all of the statistics about NAFTA. I knew the lost manufacturing jobs and what it did to my community in O'Leary, Ohio; but I wanted to see what it did in Mexico. So I rented a car in McAllen, Texas, and went across the border to Reynosa, Mexico, just to look at the face of free trade and what NAFTA had done along the U.S.-Mexican border.

I went to a home, and this was a shack maybe 30 feet by 20 feet, dirt floors, no electricity, no running water. This dirt floor turned to mud when it rained. The husband and wife both worked at General Electric Mexico 3 miles from the United States. If you walked back behind their home in this colonia, you would see other shacks that looked a lot like theirs. But as you walked through the neighborhood, as the gentleman from Arizona (Mr. FLAKE) knows, and he lives on a border State, you can tell where these workers work because their homes are constructed out of packing material, wooden crates and packing materials from the companies at which they worked, or from boxes to the suppliers for which they work.

I saw a ditch with two by fours running across it. Who knows what was running through the ditch, human waste, industrial waste. Children were playing in this ditch because children will play wherever children play. The American Medical Association said this area along the U.S.-Mexican border is the most toxic place in the western hemisphere, and yet these workers are working at General Electric Mexico 3 miles from the United States each making 90 cents an hour.

Nearby their home, I visited a General Motors plant. General Motors Mexico looks not much different from a General Motors plant in Lordstown, Ohio, or a Ford plant in Avon Lake, or a Chrysler plant in Twinsburg, Ohio. The workers are working hard, the plant is clean, the plant is modern. This plant in Mexico is more modern than many in the United States, but there is one difference between the plant in Mexico and the plant in the United States, and that is the plant in the Mexico does not have a parking lot because the workers cannot afford to buy the cars they make.

You can fly halfway around the world to Malaysia and to a Motorola plant and the workers cannot afford to buy the cell phones they make, or fly back halfway across the world to Costa Rica and go to a Disney plant and the workers cannot afford to buy the Disney toys for their children, or fly to China and go to a Nike plant and the workers cannot afford to buy the shoes they make.

Mr. Speaker, that is what makes our country great is because of trade unions. Because of a free democracy in this country, Americans share in the wealth. If you work for General Motors, a local hardware store, if you are a teacher, a nurse, you are creating value and creating wealth for your employer. If you are a private sector employee, you are creating wealth for the company. You share some of that wealth. You get health benefits and a decent wage. You can buy a house and a car.

If you work in a service job, you are creating value for those people whom you serve, and you get some wealth. You share in some of the wealth of the value that you create. That is why our system works. That is why these trade agreements do not work, because when we move these manufacturing jobs, the 216,000 in Ohio, a heck of a lot of those ended up in Mexico, and darn near all of them ended up as part of our trade deficit to China or Mexico or to somewhere else across the world.

Whenever those jobs are lost, they are typically jobs that are transferred; but those jobs do not create wealth for the people that get them in the developing world because they simply are not paid enough. If they are Ford workers in Mexico, they are not paid enough to buy the cars that they made. That is why these trade agreements do not work.

The most powerful Republican Member of the House, the gentleman from Texas (Mr. DELAY), the majority leader, joined by the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), said there would be a vote on the Central American Free Trade Agreement by Memorial Day. That marks the 1-year anniversary.

Remember at the beginning of my remarks I said all four trade agreements that this Congress has voted on since President Bush has been President, the trade agreements for Australia, Chile, Morocco and Singapore, all four were voted on within 60 days after the President signed them.

This trade agreement, the Central American Free Trade Agreement, has not been voted on for 11½ months. Members can see the CAFTA countdown, and in only a week and a half the Central American Free Trade Agreement will celebrate its 1-year anniversary. That tells me they simply do not have the votes to pass the Central American Free Trade Agreement.

So at the same time the self-imposed deadline from the majority leader, the gentleman from Texas (Mr. DELAY) and the gentleman from California (Mr. THOMAS), means they may call a vote before the end of the month. We are hearing they are going to delay it.

I ask, Mr. Speaker, as we can see by this calendar, a week away from the deadline with no vote in sight, what this should tell my fellow Members of Congress is that come May 27, we should scrap the Central American Free Trade Agreement, not that we should never do a trade agreement, not that we are against any kind of trade. We should scrap this trade agreement and renegotiate another trade agreement that will work for the American people.

Last month two dozen Republicans and Democrats in Congress joined more than 150 business groups and labor organizations in this city saying vote ''no'' on the Central American Free Trade Agreement. Last week more than 400 union workers and Members of Congress gathered in front of the Capitol saying vote ''no'' on the Central American Free Trade Agreement.

Why, because Republicans and Democrats, business and labor groups, know what the administration refuses to admit, and that is CAFTA is not about selling products abroad or exporting American goods because that simply has not worked. CAFTA is about one thing: it is about access to cheap labor and the outsourcing that goes with it.

Congress must throw out this dysfunctional cousin of NAFTA on this deadline this month, must throw out this dysfunctional cousin of NAFTA and negotiate a trade agreement that will lift workers up in Central America while promoting prosperity here in our country.

□ 2145

Instead of a loss for American workers and the kind of job loss we have seen in State after State after State, instead of a continuing to increase trade deficit, from $38 billion to over $100 billion to over $200 billion, to over

$300 billion, to over $400 billion, last year in 2003 over $500 billion, now a $600 billion trade deficit in this country, instead of these continued trade deficits, continued manufacturing job loss, Congress should throw out this dysfunctional cousin of NAFTA and negotiate a trade agreement that will lift up workers in Central America while promoting prosperity here at home.

Come May 28, we should bury the Central American Free Trade Agreement. We should renegotiate a new CAFTA so that we can negotiate and trade more with our neighbors on terms that will help lift up workers in all six of the NAFTA countries and in the United States.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman from Ohio (Mr. BROWN) for his ever-present vigilance on issues that affect American workers and the American economy. I rise tonight to join him in objecting to CAFTA and in pointing out to the people why it is so important that CAFTA be defeated. All of these trade agreements have been about one thing and one thing only—cheap labor. Corporations create conditions where they help to pass these agreements so that they can move jobs out of this country and create jobs in other countries but the jobs in the other countries are not benefiting people because they are working, in some cases, far below the poverty level. CAFTA, as it was with NAFTA, creates conditions where workers have no rights. As a matter of fact, the trade agreements are written specifically to preclude workers having the right to collective bargaining, the right to organize, the right to strike, the right to decent wages and benefits, the right to a safe workplace, the right to be compensated if you are injured on the job, the right to a secure retirement, the right to participate in the political process. All of those are swept aside under CAFTA as they were under NAFTA.

What happens when jobs are created under these trade agreements? First of all, workers are working for a pittance. Secondly, they have no protections whatsoever. They are just basically human chattel. Third, there is no job security. They can be moved around. Beyond that, these trade agreements have no protections against child labor, prison labor, slave labor. They have no protections for the water or the air.

Mr. BROWN of Ohio. As the gentleman was talking, I am thinking about what he said a few nights ago. There is no protection for the environment, for workers, but there is very good protection in this bill for a group that is very powerful in this body and that is the prescription drug industry. My colleague spoke last week about what the drug industry did in Central America, what the United States Trade Rep did on behalf of the drug industry that gave them a whole lot more rights than workers get, a whole lot more protections than the environment get.

Would my colleague talk a little bit about that?

Mr. KUCINICH. Yes. The agreements are written so that corporations have protections and their patents have protections and people who need drugs in certain countries for their own health often cannot afford them because the patent protections are supplied to corporations under these trade agreements but countries cannot go ahead and make generic equivalents because it would challenge the way the trade laws are structured. So these trade agreements are never written to benefit people. They are written to benefit corporations. We have to remember that even in our own country, corporations often have greater powers than individuals. There was an 1895, I believe it was, Santa Clara County decision by the Supreme Court which basically ceded to corporations a whole range of rights that put them on equal status with people. Yet corporations do not want to recognize the fundamental human rights that workers have, the fundamental responsibility that we all have to protecting the environment, and so they are given privileges in this country to avoid responsibility for protecting our air and water, to avoid responsibility for protecting workers' pensions, to avoid responsibility for providing for a safe workplace. They often can get off on some of their violations. Yet these trade agreements basically create a race to the bottom on standards, on rights, on principles, on the environment. That is why it is absolutely critical that my colleague has been leading the way on this and I am glad to join him in challenging what this does to people.

There are moral principles here. These principles go beyond politics. Pope Leo XIII when he wrote Rerum Novarum talked about the rights of workers. Pope Paul VI when he wrote his encyclical Progressive Populorum spoke about how corporations have responsibilities. There are fundamental principles that are engrained in a Judeo-Christian ethic, in a body where we celebrate, we are told, these kind of principles which are a bedrock of our society, yet they are just swept aside in favor of profit. It is not supposed to be that way.

That is why so many of us stood with young people in the streets of Seattle to challenge the WTO. That is why people are gathering all over this country challenging the Central American Free Trade Agreement. That is why our brothers and sisters in Central America need us to stand up.

Yo creo que es muy importante pelear por los derechos de los trabajadores. It is very important to take a stand for the rights of workers.

Mr. BROWN of Ohio. Taking back my time for a moment, as we talked about a week or so ago, while the six presidents were flying around the United States on a junket paid for by the Chamber of Commerce and then met with President Bush and all, they mentioned a lot of things about CAFTA but they never mentioned the kind of opposition to the Central American Free Trade Agreement, not just from American workers but from workers in every one of those countries. There were demonstrations and protests of thousands of people in virtually every capital city in the six countries. To the point that the president of Costa Rica, as I said in my earlier remarks, the president of Costa Rica now is saying he does not want to see this ratified until he sees some real guarantees in this agreement that the poor in his country, and in his country there are a large number of very poor people, and the workers in his country will not be left out of the agreement. So far, they are left out and he is dissatisfied by that.

But I think when those presidents have come home, both when they left, they saw these kinds of demonstrations, huge opposition among the people of those countries, and that huge opposition has continued. This Congress should simply not believe when these six presidents are walking around after their Chamber of Commerce tour, when they came to our offices and argued for this Central American free labor agreement, my colleagues need to understand that just because those six presidents were for it does not mean their countrymen and countrywomen were.

Mr. KUCINICH. A member of congress from one of these Central American countries who will be meeting with a group of Congressmen soon so I do not want to release his name just yet, told me that when a bill that would help facilitate CAFTA came before the House in his country, that it was brought in at about 3 in the morning, that members did not have a chance to read it, that they did not know that it would facilitate the privatization of public services, for example, and that they were basically encouraged to vote for it sight unseen.

These are the kind of fundamental violations of democratic principles and democratic rights which we see people in Central America already suffering even before this agreement is passed. What happens is these corporations have so much power in these other countries that legislatures are steamrolled. Here in the Congress of the United States, people not only in Central America but in this country are depending on Members to stand up, depending on us to stand up for the basic rights of workers but also depending on us to stand up to stop the continued erosion of manufacturing jobs in this country.

As my colleague points out in his chart there on the trade deficit, it is obvious that NAFTA has not resulted in creating jobs in this country. It has resulted in taking good-paying manufacturing jobs out of this country. Those are jobs that supported middle-

class existence for many families. Those are jobs that helped sustain communities. Those are jobs that helped protect small business. Those are jobs that had health care benefits. Those are jobs that let people buy homes. Those are jobs that let people send their children to college. And now we are seeing our whole way of life adversely affected by these trade agreements. That is why CAFTA presents us with an opportunity to say, stop, stop, let's start to go back through the whole structure of trade agreements and demand that no agreement can ever exist unless it has fundamental protections for workers' rights, human rights and the environment, because frankly when corporations sweep those aside, that is how they make their profit.

Mr. BROWN of Ohio. Taking back my time, it is no surprise, or no coincidence, that as this trade deficit has increased from $38 billion the year I first ran for Congress 12½ years ago to last year's deficit of $618 billion, that is the same trajectory where we have seen health benefits cut, where we have seen workers in our country losing their pensions. When we lose these manufacturing jobs, every time a Ford worker loses his job or her job in Avon Lake or in Cleveland, that is often one fewer person in Ohio with health benefits, one less person that has a pension. These trade agreements clearly have pulled down the standard of living for way too many of my colleague's constituents and way too many of mine, way too many people in North Carolina where textiles and the apparel job loss have devastated their part of the country.

I want to make a prediction. My colleague made a statement a minute ago that in one of the Central American countries with whom we have negotiated this deal that legislation was passed in the middle of the night. I will make a prediction. Based on a lot of facts, the facts that every major piece of legislation, or virtually every major piece of legislation this Congress has considered the last 2 years, the debate started about this time of night, maybe even a little later, started about midnight, started around 1 o'clock, the debates on these very important issues, Head Start, money for veterans' benefits, money for education, $87 billion for Iraq, the major tax cuts, Medicare and the trade promotion authority. The last big trade agreement this Congress voted for, we voted in the middle of the night. The roll call was left open. It is normally only 15 minutes. The roll call was left open for well over an hour as the majority leader, TOM DELAY, strong-armed, cajoled, offered with a carrot, threatened with a stick, until he got two North Carolina Congressmen to change their votes. We have seen that over and over. My prediction is that when the Central American Free Trade Agreement, if it comes to this Congress in the next 6 weeks, even though it is already past this deadline, this self-imposed deadline, this 1-year anniversary of the signing of CAFTA, whenever it comes, either by the end of this month or the end of next month, you can bet that that is going to be a middle-of-the-night vote where there is incredible political pressure, where there are threats, where there are transfers in some cases, promises on one bill, on the Medicare bill, promises of campaign cash on the House floor as claimed by one of my colleagues, a Republican from Michigan, where there are all kinds of goodies offered to this Member of Congress or that Member of Congress to get a vote. I am just terrified that even though the American people clearly do not like the Central American Free Trade Agreement, even though the American people recognize the kind of job loss that our State of Ohio and so many other States, especially the States in red, have been hit the hardest, with all this job loss, with all this opposition from the American people and from Members of Congress that the administration will do what it did with trade promotion authority and offer all kinds of things to these Members of Congress to get them to change their vote and vote the opposite of what they have promised and vote the opposite of what their constituents asked them to.

Mr. KUCINICH. Mr. Speaker, when I was traveling the country, I had the opportunity to visit many areas around America. I would stand in front of plant gates that were padlocked. I saw grass growing in parking lots which were once filled with cars, where workers would go into a plant and they would make steel, cars, washing machines, sewing machines, truck bodies. And now their plant gates are padlocked and there is grass growing in the parking lots. All of America is littered with the rusting hulks of huge manufacturing plants. Yet there are many people who remain in those communities who have the ability to do the work. It is not that there is no work to be done. It is not that we are not consuming the very products which were made once in America. But they are being made now elsewhere at a fraction of the price, where workers are underpaid, where they have no rights.

□ 2200

When we started years ago challenging these trade agreements, some of us were told, well, you are being an isolationist; we have to have trade. Well, it is true, we do have to have trade; but we have to have fair trade. We have to have trade which respects the undeniable fact that all people are interdependent and interconnected. These trade agreements create a divide, a chasm, between the very wealthy and the increasingly poor. These trade agreements have helped to bring about the destructive undermining of America's middle class.

So when you look at that map, I say to the gentleman, and you can see not only various colors of States, depending on how many jobs they have lost, but behind those statistics are individual stories of dreams that were shattered, of families that were broken, of opportunities that were denied, of futures that were totally changed, of the American Dream being dashed, of the American Dream being dashed. That is why we are standing here tonight, challenging CAFTA and, by reference, all of the other trade agreements that have passed.

Mr. BROWN of Ohio. Mr. Speaker, I will close as I just listen to my friend talk about seeing this country as he has seen it up close, and we all have seen it. Again, these are all numbers, 200,000, 200,000, 57,000, trade deficits of billions and tens of billions, hundreds of billions of dollars; they are all numbers. But I think almost every Member of Congress, those of us that really get out in our communities, and that is most of us on both sides of the aisle, really have seen the kind of pain that people suffer when someone loses a job after being in a plant for 30 years and loses their pension or loses their health benefits, and they are 58 years old and they cannot get Medicare yet. Or they are 35 years old and they cannot send their kid to school, they had been saving a little bit of money: all that that means for those children, for those families, for those school districts that have lost that revenue when a plant closes, for those communities that can no longer protect their citizens with adequate police and fire protection. These are real people, these are real jobs, real communities, real people, real dreams, real lives.

When I think about our trade policy and what we have done, and our trade policy has always been for years to outsource jobs, to lose our manufacturing jobs, shut these plants down, encourage these companies to hire cheap labor in the developing world, do not really give those people any chance, because they are not paying them enough money. My definition of successful trade policy is that when the workers in poor countries cannot just make American products, make products that they export back into the United States, but that those workers can actually buy products made in the United States, then we will see a trade policy which lifts those workers up so they have a decent standard of living in Guatemala or in India or in Mexico, and, at the same time, lifts our workers up so we can continue our strong food safety standards, environmental standards, worker rights, and wages in our country.

Mr. KUCINICH. Mr. Speaker, before we conclude, it appears to me that there is an opening here for this Congress, that at a time when we are challenging these trade agreements, we have an opportunity to present an alternative. That alternative should not just be creating a new architecture for trade with workers' rights, human rights, and environmental quality principles; but that alternative should also

include an American manufacturing policy, a new one, a new American manufacturing policy which declares that the maintenance of steel, automotive, and aerospace is vital to our national security; that for that reason, we should be thinking in terms of rebuilding automotive, with cars that are more fuel economical. We should be thinking of rebuilding steel, because we consume so much steel in this country; there are so many mills that we could actually bring back to life. We should be thinking about rebuilding aerospace, not shipping jobs overseas. Right now, our trade deficit with China is approaching about $160 billion, is it not?

Mr. BROWN of Ohio. Slightly over that.

Mr. KUCINICH. Right. China at this moment is organizing its economy to be able to excel in steel, automotive, and aerospace because Chinese leaders recognize that it is those very industries that enabled America 50 years ago to achieve preeminence in all the world. So we need a new American manufacturing policy, and we need a new policy which rebuilds our infrastructure. Just as FDR understood that the New Deal was an opportunity to put millions of people back to work, we should create a deal where we rebuild our infrastructure, where we rebuild our bridges, our water systems, our sewer systems; where we rebuild parks and hospitals and schools; where we rebuild America's infrastructure and create millions of new jobs, and then that would be an investment that would enable people to go back and start factories again.

Mr. Speaker, we need a new direction in this country. We need a new approach with our economy. We have to do something about this trade deficit, but we have to make sure that our basic infrastructure is strong to help create productivity; and we also have to do something about our tax system, which is incentivizing the movement of jobs out of this country, our tax system where 34 percent of the tax cuts go to the top one percent.

Also, we have to recognize, as some of our major industries are recognizing, that if we are going to protect industry in this country, then we have to have a universal, single-payer health care system. Because we know right now that the automotive business is in trouble in part because of the health care costs. We need a system where everyone is covered; that would help American manufacturing as well.

And we need to protect people's retirement security. It is absolutely a disgrace that the Pension Benefit Guaranty Corporation right now has over $26 billion in the hole, and that they have over $100 billion in unfunded pension liabilities they are facing, and all the corporations in America are looking right now to dump their pension obligations on the government. Right now people over 55 years old have the lowest level of savings; for seven consecutive quarters, it is at $10,400. It is the lowest consecutive quarter since 1934. So people's savings are being undermined, their pensions are being lost, and now there is an attack on Social Security.

All of this fits together. We have to have an holistic view and vision of what our country needs. We need to have health care and retirement security. We need to have retirement security. We need to rebuild our infrastructure and have a new manufacturing policy. But we need to first take care of business, which means standing up here, challenging CAFTA and saying we are going to use the defeat of CAFTA as an opportunity for a new beginning in the American economy.

I want to thank my good friend, the gentleman from Ohio (Mr. BROWN), for the leadership that he has shown on this; and I want to tell him what an honor it has been to be on the floor with him this evening.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) for his leadership on this whole array of issues. I would summarize by echoing what he said, that as the CAFTA countdown, as CAFTA is buried at the end of this month, the 1-year anniversary of CAFTA, it is important as we defeat CAFTA that we look at all of those issues that the gentleman from Ohio (Mr. KUCINICH) talked about, and especially that we think about a new trade agreement with Central American countries that lifts workers in both, in all seven of our countries, lifts workers' standards, lifts environmental standards, helps workers and families and communities in all of the Central American Free Trade Agreement countries, and in our country. It can be a win-win for all of us, instead of the kind of downward slide that we have seen in our trade policy.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes.

Mr. KUCINICH. Mr. Speaker, this evening, as American families settle in, and many workers have turned in, the American people will go to bed hoping that this Congress has the intention and the fortitude to stand up and to protect the people's right to a secure retirement. There is a great skepticism across this land about the plans to privatize Social Security.

Social Security, when it was created in 1934, was created as an insurance program. It was not an investment program; it was an insurance program which would ensure against people being too old to work, an insurance program which would ensure against being injured on the job and not being able to work again, an insurance program which would ensure that if a family lost a bread winner to a tragedy, that the family would still have an ability to survive and that the children would have benefits covered until their late teens.

Social Security has been the most successful social program that this country has ever seen.

Now, why was it created? We have to go back to the time of the Depression, a time when this country saw the New York Stock Exchange lose over 80 percent of its value in a period of about 4 years. That people lost their homes, they lost their farms, factories were closed, people lost their jobs, they lost their pensions. People were basically stripped bear with the curse of nothingness. One out of four Americans was without a job. There were hundreds of thousands of children who did not have a place.

From the ashes of the Great Depression arose a leader who recognized that the function and purpose of a democratic society is to make sure that people have economic security, the security of a job, the security of a home, and the security of a solid retirement. When Franklin Roosevelt brought forward this proposal to create Social Security, it was brought forward not to give to people some kind of a welfare program, and I do not object to welfare, but it was not created as a welfare program. It was always based on what people paid in. And so Social Security became a new hope. It helped lift generations of elderly out of poverty. Do my colleagues know that today, 50 percent of the elderly would be living below the poverty line if it were not for Social Security. Social Security was created as a means to make sure that when people got into their later ages that they would have the ability to support themselves.

□ 2215

Mr. Speaker, we heard the mythology when we were growing up of old folks homes, of poor houses, of people who when they became elderly were destitute and had no opportunities. Well, Social Security was what transformed the American economic landscape, helped lift people up out of poverty, helped guarantee that the sense of interdependencies, which is essential to the creation of the United States, was reflected in this social program that had a powerful economic component, retirement security.

The very words, the United States, which we celebrate here in this Chamber were not simply about the unity of 13 geographical territories nor are they today simply about the unity of 50 geographical territories, they are about human unity.

They are about our responsibility for each other. They are about each of us being our brother and our sister's keeper. Social Security brought that philosophy right into the government of the United States. And in doing that, that elevated the purpose of government of the people. That is the power and the beauty of what Social Security has represented.

And so when there is an attempt to try to change Social Security's nature or create a privatization program that will divert Social Security resources to set up private accounts, it is absolutely essential that we look back to history for the reason why Social Security was itself created.

Today, workers, 6.2 percent of their income goes to Social Security. Employers put in 6.2 percent, a total of 12.4 percent. Those financial resources which come from workers today, 88 percent of the money that we put into Social Security goes directly to the workers, and 12 percent goes into the trust fund.

Social Security is dependent on that financial structure to be able to remain solvent. Now, what happens if you divert 4 percent to create private accounts? Well, if you take 4 percent away from Social Security, you are left with only 8 percent total funding or a little more than 8 percent, and it makes it absolutely impossible to be able to meet the needs of Social Security. So what does that mean?

That means that you end up with people experiencing a cut in benefits. So any privatization of Social Security will result in benefit cuts. Now, the administration has talked about a 4 percent cash out. But what they have not told the American people is by carving out 4 percent you are taking money out of Social Security.

Now, the administration wants to borrow $2 billion to set up private accounts. That money is going to have to be paid back. Is not our national debt already high enough? Why in the world would we want to add another $2 trillion to it, but yet the plan to privatize Social Security would do just that. We would be borrowing money so people could invest in the stock market.

Imagine if any of us went to our neighborhood bank and we said we wanted to take out a loan. And they said why? Because we want to invest in the stock market. Well, that is what our government would have the American people do, to borrow $2 trillion so we could invest in the stock market.

If you carve 4 percent out of Social Security, it creates a condition where Social Security will not have enough money to pay benefits. Now, we have all heard this story about Social Security is broke. That is not true; that Social Security is going bankrupt. That is not true. Let me tell you why it is not true. It was just over a month ago that the Social Security Administration's own actuaries issued a report which shows that the Social Security Trust Fund has about $1.7 trillion in assets right now. The Social Security Trust Fund has those resources.

Those assets will grow to over $6 trillion by the year 2028. That is hardly a fund that is broke. The Social Security Administration's own actuaries, in their report, indicate that Social Security will be rock solid through the year 2041 without any changes whatever.

The Congressional Budget Office, which is a bipartisan budget office, has said that Social Security will be rock solid through the year 2052 without any changes whatsoever. No need to create private accounts. This is not a non solution, it creates a problem.

And the difference between the two projections of when Social Security will be able to pay a hundred percent are strictly differences that are due to underlying economic assumptions.

The Social Security actuaries are predicting that over a period of 75 years the American economy will only grow by 1.3 percent. Think about that. If it grows only by 1.3 percent, is that consistent with investing in the stock market? Of course not.

Everyone understands that Social Security is insurance, but investments are inherently risky. If you want to invest, fine. But people have to remember the market goes up, the market goes down. People must remember that the market is not a sure thing. The market has had periods of advance and decline. Sometimes the benefits that people would get in a high market might be 6 times what they might get when the market is low.

So, Mr. Speaker, I want to thank you for the opportunity to begin to introduce this discussion tonight about Social Security and speak out about the problems of privatization and why the American people ought to be very concerned that Social Security not be privatized.

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

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–84) on the resolution (H. Res. 283) providing for consideration of the bill (H.R. 1817) to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today until 3:00 p.m. on account of business in the district.

Mr. LEWIS of Georgia (at the request of Ms. PELOSI) for today after 1:00 p.m. and the balance of the week on account of a family medical emergency.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, May 24.

Mr. NORWOOD, for 5 minutes, May 19.

Mr. POE, for 5 minutes, May 18.

Mr. BURTON of Indiana, for 5 minutes, today and May 18, 19, and 20.

Mr. MARCHANT, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 18, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1983. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-248-FOR] received April 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 041805D] received April 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 283. Resolution providing for consideration of the bill (H.R. 1817) to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes (Rept. 109–84). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TURNER (for himself, Mr. SHAYS, Mr. TOM DAVIS of Virginia, and Mr. DENT):

H.R. 2385. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Government Reform.

By Ms. HART (for herself, Mr. POMEROY, Mrs. JOHNSON of Connecticut, Ms. HOOLEY, Mr. ENGLISH of Pennsylvania, Mr. CHOCOLA, Mr. LEWIS of Georgia, Mr. FOLEY, Mr. SAM JOHNSON of Texas, Mr. CARDIN, Mr. MCCRERY, Mr. RYAN of Wisconsin, and Mr. NEAL of Massachusetts):

H.R. 2386. A bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. PETERSON of Minnesota):

H.R. 2387. A bill to provide an exemption from certain requirements under the Gramm-Leach-Bliley Act; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin:

H.R. 2388. A bill to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. AKIN (for himself, Mr. MCINTYRE, Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CHABOT, Mr. CHOCOLA, Mr. COBLE, Mr. COLE of Oklahoma, Mr. COSTELLO, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DELAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FERGUSON, Mr. FORBES, Mr. FOSSELLA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. GUTKNECHT, Mr. HALL, Ms. HARRIS, Ms. HART, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HENSARLING, Mr. HERGER, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. HYDE, Mr. ISSA, Mr. ISTOOK, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KLINE, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LOBIONDO, Mr. MANZULLO, Mr. MARSHALL, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCHUGH, Mr. MCKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. OTTER, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. REHBERG, Mr. RENZI, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mr. TIBERI):

H.R. 2389. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself and Mr. SHAYS):

H.R. 2390. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. BURTON of Indiana, Mr. PAYNE, Mr. STARK, Ms. LEE, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. GRIJALVA, Mr. SANDERS, Mr. HASTINGS of Florida, and Mr. WEXLER):

H.R. 2391. A bill to provide for the reduction of mercury in the environment; to the Committee on Energy and Commerce.

By Mr. BONILLA:

H.R. 2392. A bill to provide for a continuation of the mission of the Department of Veterans Affairs medical center in Kerrville, Texas, including the maintenance of acute care beds at that medical center; to the Committee on Veterans' Affairs.

By Mr. CHOCOLA (for himself, Mr. BARTLETT of Maryland, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KLINE, Mr. MACK, Mr. MCCAUL of Texas, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. PAUL, Mr. SOUDER, Mr. TURNER, and Mrs. CUBIN):

H.R. 2393. A bill to amend chapter 85 of title 28, United States Code, to provide for greater fairness in legal fees payable in civil diversity litigation after an offer of settlement; to the Committee on the Judiciary.

By Mr. COSTA:

H.R. 2394. A bill to suspend temporarily the duty on Spirodiclofen; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 2395. A bill to suspend temporarily the duty on Propamocarb HCL (Previcur); to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 2396. A bill to extend the temporary suspension of duty on Imidacloprid pesticides; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 2397. A bill to extend the temporary suspension of duty on Trifloxystrobin; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 2398. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mrs. CHRISTENSEN, Mr. CROWLEY, and Mr. HINCHEY):

H.R. 2399. A bill to establish an Office of Health Care Competition within the Department of Health and Human Services to administer the National Practitioner Data Base and to collect and make available to the public more information on medical malpractice insurance under that Data Base; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. HINCHEY, and Ms. HOOLEY):

H.R. 2400. A bill to establish an Emergency Malpractice Liability Insurance Commission; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. BAIRD, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. HINCHEY, and Mr. TAYLOR of Mississippi):

H.R. 2401. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania:

H.R. 2402. A bill to suspend temporarily the duty on Desmodur IL; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 2403. A bill to suspend temporarily the duty on Chloroacetone; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 2404. A bill to reduce temporarily the duty on IPN (Isophthalonitrile); to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 2405. A bill to suspend temporarily the duty on NOA 466510 Technical; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 2406. A bill to suspend temporarily the duty on Hexythiazox Technical; to the Committee on Ways and Means.

By Mr. LARSEN of Washington:

H.R. 2407. A bill to modify the boundary of the San Juan Island National Historical Park; to the Committee on Resources.

By Ms. ZOE LOFGREN of California (for herself and Mr. DOOLITTLE):

H.R. 2408. A bill to amend title 17, United States Code, to allow abandoned copyrighted works to enter the public domain after 50 years; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. STARK, and Ms. ZOE LOFGREN of California):

H.R. 2409. A bill to amend part D of title IV of the Social Security Act to modify the calculation of the child support automation penalty and provide for the reinvestment of any such penalty; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. RANGEL, Mr. HINCHEY, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. FARR, Ms. BALDWIN, Mr. ANDREWS, Mr. FILNER, Mr. INSLEE, Mr. SERRANO, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. STUPAK, Mr. HONDA, Mr. UDALL of New Mexico, Mr. FRANK of Massachusetts, and Mr. MARKEY):

H.R. 2410. A bill to require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN:

H.R. 2411. A bill to provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. EMANUEL, Mr. BAIRD, Ms. BALDWIN, Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COOPER, Mr. COSTA, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. DEFAZIO, Ms. DELAURO, Mr. DOGGETT, Ms. ESHOO, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HOLT, Mr. KILDEE, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. ROSS, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. WOOLSEY, and Mr. EVANS):

H.R. 2412. A bill to provide more rigorous requirements with respect to ethics and lobbying; to the Committee on the Judiciary, and in addition to the Committees on Standards of Official Conduct, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 2413. A bill to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the ''Lillian McKay Post Office Building''; to the Committee on Government Reform.

By Mr. ROGERS of Michigan (for himself and Mr. MCCOTTER):

H.R. 2414. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that measures consistent with the obligations of the United States under the World Trade Organization be taken to offset any disadvantage to United States producers resulting from China's exchange rate policies; to the Committee on Ways and Means.

By Mr. SNYDER (for himself and Mr. CHABOT):

H.R. 2415. A bill to amend title 18, United States Code, to increase the penalty provided for the sexual abuse of a minor or ward; to the Committee on the Judiciary.

By Mr. SNYDER (for himself and Mr. BOOZMAN):

H.R. 2416. A bill to amend title 38, United States Code, to eliminate reductions of basic pay for eligibility for basic educational assistance for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. UDALL of New Mexico):

H.R. 2417. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H. Con. Res. 154. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded full and equal membership in the World Health Organization (WHO) and other international organizations; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself and Mr. ENGEL):

H. Con. Res. 155. Concurrent resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia (for himself, Mr. DELAY, Mr. LEWIS of California, Ms. ROS-LEHTINEN, Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. MARIO DIAZ-BALART of Florida, Mr. RANGEL, Mr. MORAN of Virginia, Mr. WILSON of South Carolina, Mr. MCDERMOTT, Mr. CROWLEY, Mr. ACKERMAN, Mr. ROHRABACHER, Mr. ROTHMAN, Mr. CASE, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. PITTS, Mr. DUNCAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. LEACH, Mr. BISHOP of Georgia, Mr. LANTOS, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 280. A resolution celebrating Asian Pacific American Heritage Month; to the Committee on Government Reform.

By Mr. GUTKNECHT:

H. Res. 281. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. CHABOT, Mr. PENCE, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. SCHIFF, Mr. BOOZMAN, Mr. SHERMAN, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. KING of Iowa, Mr. SOUDER, Mr. WALSH, Mr. FOLEY, Mr. MCCOTTER, Mr. MCHUGH, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr. BRADLEY of New Hampshire, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, Mr. PALLONE, Mr. GARRETT of New Jersey, Mr. SHIMKUS, and Ms. BERKLEY):

H. Res. 282. A resolution expressing the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; to the Committee on International Relations.

By Mr. BAIRD:

H. Res. 284. A resolution amending the Rules of the House of Representatives to repeal the provisional quorum provision; to the Committee on Rules.

By Mr. DAVIS of Illinois:

H. Res. 285. A resolution expressing the sense of the House of Representatives regarding the ongoing need to provide every qualified American with equal access to opportunity in education, business, and employment and the indispensability of Affirmative action programs in securing such equal access; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

27. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to House Resolution No. 347 expressing the support of the House of Representatives of Puerto Rico to the nomination of John Bolton as Ambassador of the United States to the United Nations Organization; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. DANIEL E. LUNGREN of California.

H.R. 22: Mr. SHUSTER, Mr. PETRI, Mr. RYAN of Ohio, Mr. BOUCHER, Mr. SANDERS, Mr. RAHALL, Mr. BOEHLERT, and Mr. KANJORSKI.

H.R. 36: Mr. BOSWELL.

H.R. 111: Mr. MARCHANT, Mr. PETRI, Mr. AL GREEN of Texas, and Mr. WU.

H.R. 130: Mr. GREEN of Wisconsin.

H.R. 136: Mr. TERRY, Mr. DUNCAN, Mr. JONES of North Carolina, and Mr. TAYLOR of Mississippi.

H.R. 147: Mr. MURPHY, Mr. HIGGINS, Mr. UDALL of Colorado, Mr. WALDEN of Oregon, Mr. MARSHALL, Mr. PETRI, and Ms. PELOSI.

H.R. 176: Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. SHAYS, and Mr. SKELTON.

H.R. 181: Mr. BURTON of Indiana.

H.R. 216: Mr. WILSON of South Carolina.

H.R. 269: Mr. FILNER.

H.R. 282: Mr. YOUNG of Florida, Mr. CLEAVER, Ms. DEGETTE, Mr. CHOCOLA, Mr. SIMMONS, Mr. RANGEL, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. KELLER, Mr. WICKER, and Mr. CRAMER.

H.R. 302: Mr. DICKS, Mr. COSTELLO, and Mr. FALEOMAVAEGA.

H.R. 305: Mr. BRADLEY of New Hampshire and Mrs. NORTHUP.

H.R. 328: Mr. FRANKS of Arizona, and Ms. HOOLEY, Mr. SCHIFF, and Ms. PELOSI.

H.R. 339: Mr. PAUL.

H.R. 371: Ms. HOOLEY, Mr. CLEAVER, and Mr. SOUDER.

H.R. 378: Mr. THOMPSON of Mississippi.

H.R. 554: Mr. COBLE.

H.R. 558: Mr. MORAN of Virginia.

H.R. 615: Mr. MICHAUD.

H.R. 676: Mr. FATTAH.

H.R. 691: Mr. KILDEE and Mr. TERRY.

H.R. 737: Mr. STARK.

H.R. 747: Mr. HINCHEY, Mr. WEINER, Mr. OWENS, and Ms. HERSETH.

H.R. 759: Mr. MILLER of North Carolina.

H.R. 774: Mr. BEAUPREZ and Mr. TANCREDO.

H.R. 791: Mr. BISHOP of New York, Mr. LYNCH, Mr. SERRANO, and Mr. LANGEVIN.

H.R. 800: Mr. EHLERS, Mr. HOBSON, Mr. REGULA, Mr. UPTON, and Mr. THOMPSON of California.

H.R. 809: Mr. SHADEGG, Mr. WALSH, Mr. SHUSTER, Mr. MCHUGH, and Mr. BACHUS.
H.R. 810: Mr. CALVERT.
H.R. 819: Mr. DOOLITTLE.
H.R. 831: Mr. KILDEE.
H.R. 864: Mr. REICHERT and Mr. KENNEDY of Rhode Island.
H.R. 870: Mr. SANDERS.
H.R. 896: Mr. ANDREWS, Mr. REICHERT, Mrs. BONO, and Mrs. CAPPS.
H.R. 916: Ms. WASSERMAN SCHULTZ and Mr. CUNNINGHAM.
H.R. 921: Mr. FATTAH, Mr. KENNEDY of Rhode Island, and Mr. AL GREEN of Texas.
H.R. 923: Mr. BOOZMAN and Mr. UDALL of New Mexico.
H.R. 940: Mr. DAVIS of Florida.
H.R. 976: Mr. BEAUPREZ.
H.R. 1049: Mr. HERGER and Ms. HART.
H.R. 1058: Mr. OWENS.
H.R. 1059: Mr. DEFAZIO.
H.R. 1078: Mr. SKELTON.
H.R. 1080: Mr. BRADY of Pennsylvania.
H.R. 1108: Ms. BALDWIN.
H.R. 1124: Mr. KENNEDY of Rhode Island.
H.R. 1132: Mrs. NORTHUP and Mr. FERGUSON.
H.R. 1136: Mr. BRADY of Pennsylvania.
H.R. 1182: Mrs. CHRISTENSEN and Mr. FILNER.
H.R. 1184: Mr. AL GREEN of Texas.
H.R. 1186: Mr. GARY G. MILLER of California.
H.R. 1200: Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. PASTOR, and Mr. SERRANO.
H.R. 1201: Ms. ZOE LOFGREN of California.
H.R. 1218: Mr. FRANK of Massachusetts and Mr. OLVER.
H.R. 1245: Mr. TERRY.
H.R. 1246: Mr. OWENS, Mr. WELLER, Mr. DAVIS of Illinois, Mrs. KELLY.
H.R. 1252: Mr. MCNULTY and Ms. JACKSON-LEE of Texas.
H.R. 1264: Mr. FILNER.
H.R. 1282: Ms. JACKSON-LEE of Texas.
H.R. 1295: Mr. OWENS, Mr. GERLACH, and Mr. DOOLITTLE.
H.R. 1298: Mr. MCNULTY.
H.R. 1299: Mr. TERRY.
H.R. 1306: Mr. SCOTT of Georgia, Mr. MARIO DIAZ-BALART of Florida, and Mr. MACK.
H.R. 1315: Mr. KOLBE.
H.R. 1322: Mr. MCNULTY, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Mr. LYNCH, Mr. ACKERMAN, and Ms. ZOE LOFGREN of California.
H.R. 1329: Mr. MCNULTY, Mr. HONDA, and Mr. SERRANO.
H.R. 1335: Mr. BILIRAKIS, Mr. KLINE, and Mr. COSTELLO.
H.R. 1345: Mr. AKIN.
H.R. 1357: Mr. PUTNAM.
H.R. 1365: Mr. FILNER and Ms. MOORE of Wisconsin.
H.R. 1366: Mr. LARSEN of Washington.
H.R. 1377: Mrs. CHRISTENSEN and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1380: Mr. KENNEDY of Minnesota and Mr. FITZPATRICK of Pennsylvania.
H.R. 1441: Mr. DAVIS of Illinois.
H.R. 1461: Mr. RYAN of Wisconsin.
H.R. 1469: Mrs. MUSGRAVE.
H.R. 1492: Mr. SPRATT, Mr. PASCRELL, Mr. BISHOP of Georgia, Mr. LARSON of Connecticut, Mr. SALAZAR, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. WU, Mr. SKELTON, Mr. MENENDEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, Mr. ROSS, Mr. NADLER, Mr. SERRANO, Mr. BISHOP of Utah, Mr. CANNON, Ms. ZOE LOFGREN of California, Mr. BERMAN, Mr. LEWIS of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. AL GREEN of Texas, Mr. PASTOR, and Mr. EVANS.
H.R. 1499: Mr. COBLE, Mr. FRANKS of Arizona, and Mr. SCHWARZ of Michigan.
H.R. 1545: Mr. PENCE.
H.R. 1578: Mr. WELLER, Mr. SHAW, Mr. MCCRERY, Mr. SIMMONS, Mr. LYNCH, Mr. RAMSTAD, Mr. CAMP, Mr. FOSSELLA, Mr. GILLMOR, and Mr. DENT.
H.R. 1580: Mr. MEEHAN and Mr. MCGOVERN.
H.R. 1591: Mr. ROTHMAN, Mr. SANDERS, Mr. STARK, and Mr. CUMMINGS.
H.R. 1597: Mr. ISRAEL and Mr. KENNEDY of Rhode Island.
H.R. 1600: Mr. BACHUS.
H.R. 1639: Mr. HONDA and Ms. BALDWIN.
H.R. 1652: Mr. ACKERMAN, Mr. FARR, Mr. ROTHMAN, Mr. FILNER, Mr. GENE GREEN of Texas, and Mr. BAIRD.
H.R. 1671: Miss MCMORRIS and Ms. BALDWIN.
H.R. 1707: Mr. WELLER, Mr. MCDERMOTT, Mr. CASE, and Ms. KILPATRICK of Michigan.
H.R. 1708: Mr. TERRY, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. BOUCHER, Mr. DAVIS of Kentucky, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1736: Mr. COLE of Oklahoma and Mr. DOOLITTLE.
H.R. 1816: Mr. SOUDER, Mr. BARRETT of South Carolina, Mr. MCKEON, and Mr. MCCAUL of Texas.
H.R. 1850: Mr. MCGOVERN and Mrs. JO ANN DAVIS of Virginia.
H.R. 1851: Mr. HERGER and Mr. FILNER.
H.R. 1861: Mr. KENNEDY of Rhode Island and Mr. MICA.
H.R. 1872: Mr. CONAWAY, Mrs. CAPITO, Mr. TERRY, and Mr. MCCAUL of Texas.
H.R. 1879: Mr. HERGER.
H.R. 1973: Mr. SPRATT.
H.R. 1981: Mr. KILDEE, Mr. WU, and Mr. MENENDEZ.
H.R. 2046: Mr. TURNER, Mr. FILNER, Mr. HONDA, Mr. BURTON of Indiana, and Mr. BISHOP of New York.
H.R. 2072: Mr. ABERCROMBIE, Mr. CAPUANO, and Mr. CLAY.
H.R. 2074: Mr. HONDA.
H.R. 2076: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2123: Mr. SOUDER and Mr. FORTUÑO.
H.R. 2133: Mr. MCGOVERN and Mr. NADLER.
H.R. 2177: Mr. DICKS, Mrs. JONES of Ohio, and Mr. HERGER.
H.R. 2178: Mr. TOWNS, Mr. FORD, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, and Mr. CLEAVER.
H.R. 2217: Mrs. MALONEY and Mr. BLUMENAUER.
H.R. 2233: Mr. ACKERMAN, Mr. BERMAN, and Mr. COSTA.
H.R. 2238: Mr. FATTAH, Mr. RUSH, Mr. WYNN, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. SNYDER, Mr. COSTELLO, Mr. ROTHMAN, Mrs. MCCARTHY, Mr. RYAN of Ohio, and Mr. PLATTS.
H.R. 2259: Mr. CARDIN and Mr. SANDERS.
H.R. 2292: Ms. ESHOO and Mr. BRADY of Pennsylvania.
H.R. 2293: Ms. JACKSON-LEE of Texas.
H.R. 2306: Mrs. CAPPS.
H.R. 2317: Mrs. NORTHUP, Mr. UPTON, Mr. SCHIFF, and Ms. KAPTUR.
H.R. 2327: Mr. BROWN of Ohio, Ms. LEE, Mr. ISRAEL, Mr. SANDERS, Ms. WOOLSEY, Mr. KILDEE, Mr. ANDREWS, Mr. MENENDEZ, Mrs. MCCARTHY, Mr. ACKERMAN, Mr. DAVIS of Illinois, Mr. OWENS, Mr. DOGGETT, and Mr. LANTOS.
H.R. 2328: Mr. GINGREY and Mr. SULLIVAN.
H.R. 2346: Mr. ALEXANDER.
H.R. 2350: Mr. KILDEE and Mr. MARSHALL.
H.R. 2355: Mr. CHOCOLA.
H.J. Res. 10: Mr. TOM DAVIS of Virginia, Mr. NEUGEBAUER, Ms. GINNY BROWN-WAITE of Florida, Mr. MARSHALL, Mr. THORNBERRY, Mr. MCHENRY, Mr. KLINE, and Mr. COBLE.
H. Con. Res. 105: Mr. ISSA and Ms. SLAUGHTER.
H. Con. Res. 133: Mr. PAYNE, Mr. BERMAN, Mr. SMITH of Washington, Ms. WATSON, Mr. CROWLEY, Mr. BROWN of Ohio, Ms. BERKLEY, Mr. ENGEL, Mr. CHANDLER, Mr. DELAHUNT, Mr. LEVIN, and Ms. ZOE LOFGREN of California.
H. Con. Res. 141: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 144: Mr. SHAW.
H. Con. Res. 145: Mr. UDALL of Colorado.
H. Con. Res. 149: Mr. BURTON of Indiana, Mr. WEINER, Mr. SAXTON, Mr. KING of Iowa, Mr. SOUDER, Mr. BARRETT of South Carolina, Mr. CANNON, Mr. TIAHRT, Mr. GARRETT of New Jersey, Mr. SESSIONS, Mr. AKIN, Mr. CROWLEY, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. GINGREY, Mr. WELLER, Mr. FOSSELLA, Mr. SHIMKUS, Mr. KIRK, Mr. TOM DAVIS of Virginia, Mr. DOOLITTLE, Mr. PITTS, Mr. BROWN of South Carolina, Mr. SHAW, Mr. FLAKE, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. FOLEY, Mr. BERMAN, Mr. FERGUSON, Mr. MCCAUL of Texas, Mr. MCHENRY, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, Mr. MILLER of Florida, Mr. SULLIVAN, Mr. TERRY, Mr. DENT, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. MACK, Mr. SCHIFF, Mr. CONAWAY, and Mr. WAXMAN.
H. Con. Res 153: Mr. BERMAN, Mr. ISSA, Mr. ENGEL, Mr. HYDE, Mr. MARCHANT, Mr. WEXLER, Mr. NEUGEBAUER, Mr. PALLONE, Mr. NEY, Mr. CARTER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. HARRIS, Mr. CHABOT, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, and Mr. HEFLEY.
H. Res. 84: Mr. WHITFIELD.
H. Res. 121: Mr. DEFAZIO.
H. Res. 220: Mr. PETRI, Mr. GARRETT of New Jersey, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Mr. DAVIS of Florida, Mr. THOMPSON of California, Ms. GINNY BROWN-WAITE of Florida, and Mr. WELLER.
H. Res. 245: Mr. FOSSELLA.
H. Res. 273: Mrs. JOHNSON of Connecticut, Mr. BLUNT, Mr. DREIER, Mr. TOWNS, Ms. HARRIS, Mr. CROWLEY, Mr. LANTOS, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Mr. PENCE, Mr. MCGOVERN, Mr. FEENEY, Mr. BERMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. POE, Mr. CARNAHAN, Mrs. JO ANN DAVIS of Virginia, Mr. CAMP, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Mr. CHABOT, Mr. TANCREDO, and Mr. MENENDEZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

20. The SPEAKER presented a petition of the City Council of Seattle, Washington, relative to Resolution No. 30752, opposing the federal government's proposal to charge market rates for electricity sold by the Bonneville Power Administration to its preference customers; to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1817

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 79, after line 6, insert the following new section:

SEC. 509. REQUIREMENT THAT DEPARTMENT OF HOMELAND SECURITY BUY CERTAIN ARTICLES FROM AMERICAN SOURCES.

Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et. seq) is amended by adding at the end the following new section:

"SEC. 836. REQUIREMENT TO BUY CERTAIN ARTICLES FROM AMERICAN SOURCES; EXCEPTIONS.

''(a) REQUIREMENT.—Except as provided in subsections (c) through (h), funds appropriated or otherwise available to the Department may not be used for the procurement of

an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

''(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

''(1) An article or item of—

''(A) food;

''(B) clothing;

''(C) tents, tarpaulins, or covers;

''(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

''(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

''(2) Specialty metals, including stainless steel flatware.

''(3) Hand or measuring tools.

''(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices.

''(d) EXCEPTION FOR CERTAIN PROCUREMENTS.—Subsection (a) does not apply to the following:

''(1) Procurements by vessels in foreign waters.

''(2) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

''(3) Procurements of any item listed in subsection (b)(1)(A), (b)(2), or (b)(3) for which the use of procedures other than competitive procedures has been approved on the basis of section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), relating to unusual and compelling urgency of need.

''(e) EXCEPTION FOR SPECIALTY METALS AND CHEMICAL WARFARE PROTECTIVE CLOTHING.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

''(1) such procurement is necessary—

''(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

''(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

''(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of title 10, United States Code.

''(f) EXCEPTIONS FOR CERTAIN OTHER COMMODITIES AND ITEMS.—Subsection (a) does not preclude the procurement of the following:

''(1) Foods manufactured or processed in the United States.

''(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.

''(g) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

''(h) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).''.

H.R. 1817

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 2: At the end of title V, add the following new section:

SEC. 509. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), more than 50 percent of the components in any end product procured by the Department of Homeland Security that contains components shall be mined, produced, or manufactured inside the United States.

(b) AGREEMENTS DESCRIBED.—An agreement referred to in subsection (a) is any of the following:

(1) Any reciprocal procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Homeland Security has prospectively waived the Buy American Act (41 U.S.C. 10a et seq.) for certain products in that country.

(2) Any international agreement to which the United States is a party.

H.R. 2361

OFFERED BY: MR. FLAKE

AMENDMENT NO. 2: Page 6, line 13, after the dollar amount, insert the following: ''(decreased by $3,817,000)''.

Page 12, line 17, after the dollar amount, insert the following: ''(decreased by $14,937,000)''.

Page 24, line 1, after the dollar amount, insert the following: ''(decreased by $9,421,000)''.

Page 80, line 3, after the dollar amount, insert the following: ''(decreased by $15,000,000)''.

Page 45, line 16, after the dollar amount, insert the following: ''(increased by $15,000,000)''.

H.R. 2361

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

H.R. 2361

OFFERED BY: MR. TERRY

AMENDMENT NO. 4: In the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—SCIENCE AND TECHNOLOGY'', after the second dollar amount, insert the following: ''(reduced by $130,000,000)''.

In the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—HAZARDOUS SUBSTANCE SUPERFUND'', after the second dollar amount, insert the following: ''(increased by $130,000,000)''.