pay of a member or former member during periods in which the member willfully remains outside the United States to avoid criminal prosecution or civil liability.

SECTION 445. PROHIBITION OF NAVIGATION FEES

The Senate bill does not contain a comparable provision.

The House amendment does not contain a comparable provision.

The Conference substitute prohibits any non-Federal interest from assessing or collecting any fee on vessels or water craft operating on navigable waters subject to the authority of the United States, or under the freedom of navigation on those waters. This section does not prohibit those instances in which Federal law has permitted the imposition of fees and recognizes those circumstances under which non-Federal interests may charge reasonable port and harbor fees for services rendered.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

SECTION 501. SHORT TITLE

The Senate bill does not contain a comparable provision.

Section 501 of the House amendment states that this title may be cited as the ''Coast Guard Authorization Act for Fiscal Year 2002.''

The Conference substitute states that this title may be cited as the ''Coast Guard Authorization for Fiscal Year 2003.''

SECTION 502. AUTHORIZING OF APPROPRIATIONS

The Senate bill does not contain a comparable provision.

Section 502 of the House amendment authorizes $5.9 billion for Coast Guard programs and operations during fiscal year 2002. Section 502(1) of the amendment authorizes approximately $4.2 billion for Coast Guard operating expenses for fiscal year 2002, including $623 million for domestic maritime homeland security requirements.

Section 502(2) of this amendment authorizes $717.8 million in fiscal year 2002 for the Coast Guard's acquisition, construction, and improvement (AC&I) account. including $58.5 million for homeland security.

The Conference substitute authorizes approximately $6 billion for Coast Guard programs and operations during fiscal year 2003. Section 502(1) authorizes approximately $4.3 billion for Coast Guard operating expenses for fiscal year 2003.

Section 102(2) authorizes $725 million in fiscal year 2003 for the Coast Guard's acquisition, construction, and improvement (AC&I) account.

Within the AC&I account, the Conferees strongly support the Coast Guard's integrated approach to the Deepwater Modernization Project and believe this effort to recapitalize the service's offshore surface fleet, aviation assets, and command and control system is essential to prepare the Coast Guard to meet future challenges. With an aging fleet of cutters and aircraft, maintenance and personnel costs will rise dramatically unless the fleets are replaced. Further, the multi-mission nature of the Coast Guard requires a modern and flexible fleet that will continue serving national security and other core missions. The Integrated Deepwater System request for proposal and the recently awarded contract with the systems integrator were predicated on a consistent funding level of $500 million per year in 1998 dollars over the 20-year implementation timeline. The Conferees are concerned that this program already appears likely to be underfunded in its first year creating delays and pushing back the implementation schedule just as the program is beginning.

The Conferees also strongly support the need to modernize the National Distress & Response System. This system is crucial for the Coast Guard to improve its capabilities to respond to and aid mariners in distress. The Conferees strongly support the Coast Guard receiving $90 million in fiscal year 2003 to begin this procurement which is scheduled to be completed by the end of the fiscal year 2006.

Another necessary area of funding is for the Coast Guard's share of the cost of altering or removing bridges that cause hazards to navigation, pursuant to the Truman-Hobbs Act of June 21, 1940, as amended (33 U.S.C. 511 et seq.). The Conferees expect that $2,000,000 of the funding provided will be utilized for the construction of a new Chelesa Street Bridge over the Chelsea River in Boston, Massachusetts.

SECTION 503. AUTHORIZED LEVELS OF MILITARY STRENGTH

The Senate bill does not contain a comparable provision.

Section 503 of the House amendment authorizes 44,000 Coast Guard active duty military personnel as of September 30, 2002.

The Conference substitute authorizes 45,500 Cost Guard active duty military personnel as of September 30, 2003.

The Conference substitute authorizes 45,500 Coast Guard active duty military personnel as of September 30, 2003, which is larger than the Administration's request. The Conferees note that even before September 11, 2001, Coast Guard missions and demands were expanding and taxing the service's personnel whose current strength is comparable to the Coast Guard of 1966. As the Coast Guard assumes its expanding homeland security role while at the same time continues to carry out its traditional missions, it will require additional personnel. Therefore, the Conference substitute increases the end-of-year strength numbers beyond those recommended by the Administration to ensure the Coast Guard has the flexibility to increase its personnel levels to meet these new challenges and demands.

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

DON YOUNG,
HOWARD COBLE,
FRANK A. LOBIONDO,
JIM OBERSTAR,
CORRINE BROWN.

From the Committee on Ways and Means, for consideration of secs. 112 and 115 of the Senate bill, and sec. 108 of the House amendment, and modifications committed to conference:

WILLIAM THOMAS,
PHIL CRANE,
CHARLES B. RANGEL,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL INOUYE,
JOHN F. KERRY,
JOHN BREAUX,
RON WYDEN,
MAX CLELAND,
BARBARA BOXER,
JOHN MCCAIN,
TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
GORDON SMITH,
BOB GRAHAM,
CHUCK GRASSLEY,
Managers on the Part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 5710, HOMELAND SECURITY ACT OF 2002

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 600 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 600

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5710) to establish the Department of Homeland Security, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and (2) one motion to recommit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair must remind Members not to display communicative badges while under recognition for debate.

The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

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

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 600 is a closed rule allowing for the immediate consideration of the Homeland Security Act of 2002. The rule provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security. The rule further provides the minority the opportunity to offer a motion to recommit.

Mr. Speaker, this Chamber first acted in July to make the President's goal of a Department of Homeland Security a reality. However, we were not able to send a bill to the President's desk because the other body failed to act.

After months of inaction and gridlock, President Bush has been instrumental in forging a compromise between Democrats and Republicans in order to pass legislation for the creation of the Department of Homeland Security as soon as possible.

I am pleased and honored by the opportunity to take to the House floor today this historic legislation to create the Department of Homeland Security. The security of the American people is the primary function of the Government of the United States. The creation of this new Department to coordinate all security activities on behalf of the American people is of the utmost importance. It has been a high

priority for President Bush, and I am pleased to bring it to the floor of the House of Representatives.

Since September 11, 2001, we have been working to rebuild our Nation, not only our bridges and our buildings, rather, but our sense of security. The American people have waited too long for this critical piece of legislation, legislation that is designed to protect all Americans.

This rule provides a second opportunity for consideration of this important measure. The underlying legislation will create a new Federal Department, bringing together for the first time entities that were designed to protect the homeland of the United States. This new Department will ensure coordination among all of the agencies under its charge, as well as any Department that retains functions that could affect the homeland security.

The legislation will help to protect our borders by moving the Coast Guard, Customs Service, and Immigration and Naturalization Service into the Department of Homeland Security. While the Department of State will retain responsibility for issuing visas, the legislation tasks the Department of Homeland Security to develop rules for entry into the United States in order to ensure the best security practices possible.

This historic legislation intensifies our effort to ensure that our Nation's first responders have the resources that they need to address all threats. This includes coordination with the Federal Emergency Management Agency, the Secret Service, and many other agencies, as well as the private sector. Additionally, this legislation promotes and expands upon our efforts in research, development, and technology in homeland security.

I think, Mr. Speaker, it is also important to let the American people know that while we are working to protect our homeland, we are also working to protect the freedom that every American enjoys. Specific legal protections in this legislation are meant to ensure that our freedom is not undermined. It includes the creation of a privacy officer and a civil rights and civil liberties officer. These very important officials will work as close advisers to the Secretary to ensure that our privacy, civil rights, and liberties are protected.

As a strong advocate of workers' rights, I am very pleased to see that a compromise has been reached on collective bargaining issues. The language creates a process by which employees and employees union representatives will consult with the Department in creating the new personnel system. The bill maintains essential employee protections while providing the President the flexibility he needs to ensure the safety of the American people.

I think, Mr. Speaker, that it is an unfortunate reality that we may very well face future attacks within our borders or abroad; but with the creation of this new Department, the American people can rest assured that the Federal Government is doing everything possible to thwart future terrorist attacks.

I would like to thank the Select Committee on Homeland Security for their commitment and their dedication, as well as all the chairmen of the committees of jurisdiction for coming together to craft this vital legislation.

This is a fair rule that will allow consideration of critical legislation, legislation that is long overdue. I ask my colleagues to support both the rule and the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I oppose this rule. The measure appeared at 7 a.m. this morning at the Committee on Rules with no opportunity for Members to review it beforehand, and no amendments are allowed. For those two reasons I will oppose this rule.

I would note that creating a Department of Homeland Security was the Democrat Party's idea and has been a Democratic priority since September 11 made clear America's terrifying vulnerabilities to terrorism. For 8 long months after the terrorist attacks this last year, Democrats were almost alone in insisting that the government be reorganized to make homeland security a cabinet-level priority. Sure, we had the support of a few brave Republicans, but the leadership of the Republican Party strongly opposed the idea. House Republican leaders blocked the Department of Homeland Security, and the White House argued strenuously that America did not need it.

Then, Mr. Speaker, something happened to change Republican minds in Washington. Simply put, the public learned the full magnitude of the FBI's incompetence before September 11. As the entire Nation watched, FBI whistleblower Colleen Rowley explained how the FBI leadership had hindered our investigation of Zacarias Moussaoui; and the White House realized it had a major political problem, so they flip-flopped to save their political skin.

However, unfortunately, they did not stop using homeland security as a political prop since then. In the House, they refused bipartisanship on all substantive matters, and stuffed their own partisan pet projects into the bill. In the other body, the Republicans used procedural tactics to repeatedly block homeland security until after the election so they would have a partisan club to use against Democrats like MAX CLELAND, a decorated war hero.

Make no mistake, Americans do not have the Department of Homeland Security today because Republicans obstructed and politicized it for so long. But nevertheless, Mr. Speaker, the Democrats remain committed to increasing the safety of the American people.

Unfortunately, the so-called compromise on personnel issues does more for the ideology than for the workers we are about to entrust with our homeland security. It sets up a notification and mediation process; but at the end of the day, the administration can still ignore civil service protections if it wants. Mr. Speaker, I believe that this is a mistake that could harm the effectiveness of the new Department.

I am also concerned with what will happen with freedom of information, whether the answer can just be given: ''You may not have that information because it is hidden away in the Department of Homeland Security.''

But it is the civil service system that protects Americans against the spoils system that allows politicians to award their friends and supporters with important government jobs. We should not be stepping away from that. It is crucial that the Department of Homeland Security be staffed by professionals, not the political cronies of whichever party happens to hold the White House.

Because of the procedural way in which this is being brought to the floor, I urge a ''no'' vote on this rule.

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

□ 1330

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence, an extraordinary Member, and an expert in the field of national security.

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

Mr. GOSS. Mr. Speaker, I thank my colleague and friend on the Committee on Rules, the gentleman from Florida (Mr. DIAZ-BALART) who I enjoy working with very much, particularly on this very critical piece of legislation, and I congratulate him for his floor management.

This is obviously a rule that we should all be able to support. It is an appropriate rule and this institution has been through this subject recently rather completely, and it seems to me that we should be able to deal with this apace.

This is the historic homeland security legislation that we have been waiting for and the American people have been asking for. Certainly in the wake of the tragic events of September 11, 2001, our great Nation has showed its very steadfast resolve to confront and defeat terror. Every day we pick up the papers and we see examples of Americans dealing with these problems on a global basis. We have an awful lot of men and women out there in uniform and in other agencies doing the hard

work of winning the war on terrorism. The creation of the Department of Homeland Security will further bolster this effort. Coordination, cooperation, communication will be improved and, as we have discovered, are areas where we need improvement. Daily operations will grow stronger. Alertness will be better. The agents responsible for the security of our citizens will be more effective. All of these things will directly flow from this legislation and more.

The Department of Homeland Security will finally allow us to direct some long overdue attention to the problems faced by our immigration system. We live in a hospitable, open and democratic society and we are all extraordinarily proud of it and defend it. It is our liberty. We welcome the orderly flow of immigration and we always have. But regrettably, there are many who take advantage of our generosity by engaging in illegal immigration. Our borders must be protected. Our citizens have asked us to do that, and I believe that this Homeland Security Department will be organized in a way that will help us better deal with the immigration subject in a way that meets the requirements of all Americans and protects our borders from mischief makers.

While this legislation makes great strides towards organizing the protection of our homeland, I believe a considerable amount of work is still going to remain, primarily in the intelligence area. Specifically, I believe there is insufficient provision in this legislation as we have set it up for intelligence consolidation, fusion and analysis. I believe an intelligence analysis center would facilitate the interface of intelligence between agencies that are not very good at it now, thereby increasing reaction speed in a way that could prove critical, and we saw what critical means on September 11, 2001.

Obviously, let me be clear, I very much support the legislation. It is long overdue. It will vastly improve our Nation's defenses, and it obviously is a critically important component on the war on terror, particularly for our homeland where we live. I am pleased to see that the necessary and overdue legislation is about to become a reality. If for no other reason for a lame duck session, I think we have found something that the American people are going to cheer about.

I thank the distinguished gentleman from Florida (Mr. DIAZ-BALART) for yielding me time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in opposition to the rule.

I have to say the idea of having a new Department of Homeland Security is a good one, but it should not be at the detriment or to the detriment of hard-working government employees.

Mr. Speaker, this so-called compromise, and I do not think it is a compromise at all, it does not go far enough to ensure the rights of workers in this new department to collectively bargain. Once again, this is just another attempt by the Republican Party to use back channels to destroy the Americans workers' right to organize.

The bill adopts the President's proposals to waive all of the provisions of the civil service laws for employees of the new department, and it would permit the President to strip employees of their union representation for any national security reasons. Basically, it is eliminating effectively the right to collectively bargain.

Why is this necessary? Why in the minds of the administration is this necessary? Historically, civil service has been a way of preventing abuse on the part of the President and the executive branch, and I do not see any relationship between national security and the war against terrorism and workers' rights. There is absolutely no reason to suggest that for national security reasons or because of the war against terrorism that we have to eliminate or cut back on workers' rights. I think what is really happening here is there is an ideological opposition on the part of the President and the Republican Party to collective bargaining, to union representation, to civil service.

It is very troublesome to think that is the case and that somehow national security or the war against terrorism is being used by this administration, the Republican leadership, as an excuse to work their idealogical will against government employees. They should not do that. They should not use this, so to speak, as the excuse to basically cut back or eliminate workers' rights.

I know that there is a rush to pass this. Everyone says we have to have this new department. It is certainly true that we do. But I do not think that those of us who care about workers' rights, who care about collective bargaining should simply say that is okay, that in the name and in the rush to create this new department that somehow we should eliminate workers' rights.

Mr. Speaker, I urge opposition to the rule and opposition to the underlying bill.

Mr. DIAZ-BALART. Mr. Speaker, this underlying legislation does not cut back on workers' rights.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a distinguished Member of this House who has been a pillar in the construction of this historic legislation.

Mr. PORTMAN. Mr. Speaker, I thank my colleague from Florida (Mr. DIAZ-BALART) for yielding me time, and I appreciate the input he has had in this legislation. I know he feels deeply about the need to protect our homeland and our families. I appreciate his willingness to take the management responsibility today on the floor.

Mr. Speaker, I would just say that we have before us a true consensus bill. It is one that has been worked out by the Senate, worked out with various interested parties. This bill passed the House of Representatives, as my colleagues will recall, with more than a two to one margin. I hope we would get additional support today so it will be a strong bipartisan show of support for, indeed, moving forward with the necessary new Department of Homeland Security to better protect us.

I do think it is necessary to respond briefly to the comments of my colleague from New Jersey (Mr. PALLONE). I was listening and he said it destroys the rights to collectively bargain. That is not in here. That may be another piece of legislation or maybe one that someone else has told him about. I would urge him to read this legislation. In fact, it guarantees the right to collectively bargain.

Under existing law, existing authority, the President of the United States has the ability under his national security role to be able to pull from individual collective bargaining, individual collective bargaining units or agencies on the basis of national security. This is something that President Kennedy put into effect through executive order. President Carter signed a law to that effect. It has been in the law ever since. Every President since Jimmy Carter has used it and used it judiciously.

All that we do in this legislation is actually narrow that right. We say under the Homeland Security Department the President cannot merely find a national security interest is at stake. It has to be a significant and adverse impact on homeland security. And we further say the President has to notify this Congress 10 days prior to using any such authority.

So I do not know where the gentleman gets this that we are taking current law and making it in any sense worse for civil service or for public employees. In fact, with regard to the President's national security waiver, which is what I assume he is referring to, we narrow it. The right to collectively bargain is explicitly listed in the legislation before us as a guarantee under this department. In fact, the union representation, which will be roughly one out of every three employees or one out of every four employees in this new department would be represented by a union, those union representatives will have a seat at the table.

Although representing just one in four of these employees in this new department, they are guaranteed to have a negotiating role, and this is one of the changes we have made in the legislation over the last few days, is that in fact if there are any disagreements with regard to the necessary new personnel flexibilities that in fact it goes to the Federal Mediation and Conciliation Service for negotiation. If at the end of that process they cannot agree, then, yes, the new personnel practices will be put into place. But in the meantime Congress is notified and you go through this process of negotiation.

I would just underline again that this was something that was carefully thought out over time. The House passed it three and a half months ago. It was bipartisan from the start. The gentlewoman from New York (Ms. SLAUGHTER) has talked about it being a Democrat idea. It has also been a Republican idea. It has been a bipartisan idea. And I would applaud Senator LIEBERMAN and others who pushed it so hard after the tragedy of 9/11.

I would say the creation of this Department of Homeland Security may be the most important thing we do in this Congress. Even though it looks like it will finally happen in terms of enacting it during a lame duck session, nothing is more important to us than protecting the homeland.

I would strongly urge my colleagues on both sides of the aisle to support the good bill before us.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) very much for yielding me time.

I think it goes without saying that we all want a homeland security bill. We want a good bill. Now, the bill before us today has been characterized as a fair compromise. That is unfortunately not true. It is a very flawed bill.

This bill allows the Department of Homeland Security to eliminate collective bargaining rights for the agency's workforce and allows managers a virtual carte blanche in rewriting civil service rules.

Why are collective bargaining rights important? Collective bargaining is the negotiation between the employer and the labor union on wages, hours, and working conditions. If employees do not feel secure that they receive fair consideration for their employment concerns, one cannot expect to produce a work environment that produces a feeling of personal security for those employees. Let me state, without that feeling of personal security we will have a loss of morale. We will not get an excellent homeland security product from a workforce that does not have a feeling of employment security.

How can granting employees the right to seek redress for resolving labor disputes be interpreted as a threat to national security? The bill allows significant discretionary tampering with respect to four key areas of the civil service process: Pay, job classification, adverse actions and performance appraisals, as well as collective bargaining and employee appeals.

This discretionary tampering is left unchecked because it does not allow unions to collectively bargain through binding negotiations over any of the changes and agreements in these vital areas.

I have read this bill. This bill provides that the Federal Mediation and Conciliation Service could attempt to mediate impasses. That may sound good until you realize that this Mediation and Conciliation Service has no binding authority. So basically they kind of give you a pass-through but the Homeland Security Department retains the authority to alter civil service rules unchecked after a 30-day waiting period. In other words, this bill gives the Department of Homeland Security managers unilateral authority to write their own rules on such important civil service matters as pay, job classifications, firing, and demotions without any involvement for oversight at all from Congress for 5 years.

What is the harm? This allows an immense bureaucratic fiefdom to be created in which managers can bestow favor on their cronies, punish whistleblowers, remember the FBI agent who tried to warn us about September 11, punish people who refuse to tow the political lines without any check on this type of abuse. This bill would allow Department of Homeland Security managers to eliminate collective bargaining rights whenever employees are involved in national security work. This is clearly too broad. Given the name of the new department, Department of Homeland Security, such authority could easily be applied to exempt more than 170,000 employees from belonging to unions.

Let me state, tens of thousands of employees can be transferred from the Border Patrol, from the Customs Service, from the Federal Emergency Management Agency and from many other agencies that have chosen to belong to Federal employee unions for decades, but they will be performing the same work in the new agency that they performed in their old agency. The only difference is the name of their agency.

Why then do these people suddenly become security risks because they want to keep their civil service protections? Why would we remove the collective bargaining rights from these people? This is supposed to be a bill about fighting terrorism. Unfortunately, this bill puts the administration at war with Federal employees, and that is not right. I urge rejection of the underlying bill.

□ 1345

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, this legislation means more than moving boxes on an organization chart. For the first time, it provides real authority to those we count on to protect our country and our constituents. The Department of Homeland Security, with the Homeland Security Council in the White House, will create and implement a comprehensive homeland security strategy, a unified approach will replace the ad hoc efforts now going on across agency and State lines.

The Nation and this Congress are strong in their support for a Department of Homeland Security and a coordinated strategy, and I only regret that this legislation was not completed months ago.

The legislation is not perfect, as we have heard, but neither was the National Security Act, which created the Department of Defense in 1947. Our national security organization has evolved and improved over time, and so will our homeland security organization. The compromises in this bill are not perfect either, as we have heard, but they are reasonable, and they do make tremendous strides in protecting the security of every neighborhood in America.

The legislation does more than reorganize. It includes the information-sharing procedures I cosponsored with the gentleman from Georgia (Mr. CHAMBLISS), which passed this House as H.R. 4598 by a vote of 422–2.

It also recognizes that the cutting edge of security technologies resides in the private sector, and includes a point of entry for companies to interact with the Federal Government for procurement.

The legislation does not include an independent commission to investigate 9/11, but I hope this Congress will soon pass the intelligence authorization conference report for fiscal year 2003, which includes such a commission.

I urge Members to support this homeland security legislation. Members may disagree with certain provisions or with the process which has brought it to the floor. But this bill, in the net, is the right thing for the American people and can prove to be this Congress' lasting legacy.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to conclude before offering an amendment to the resolution, I would simply state that this is a fair rule, as I stated before, and it is a very important bill. The underlying legislation is critically important.

I beg to disagree with the gentleman from Maryland who I believe did not state the facts correctly with regard to the legislation before us. The President currently has waiverability that he is getting in this legislation for this very important new department in other departments, and that power has been used very judiciously and wisely in the past and has not been abused. I think that it is fair that the President in something as important as the security of the homeland and this new department have the power he has already with regard to other departments, and that is what we are giving the President in this legislation. I would simply urge my colleagues to support the legislation.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DIAZ-BALART

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

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DIAZ-BALART:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5710) to establish the Department of Homeland Security, and for other purposes. The bill shall be considered as read for amendment. The amendment specified in section 2 of this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

Sec. 2. The amendment referred to in the first section of this resolution is as follows:

Amend section 2(10)(B) so as to read:

''(B) an Indian Tribe or authorized tribal organization, or in Alaska a Native Village or Alaska Regional Native Corporation; and''

Mr. DIAZ-BALART. Mr. Speaker, the amendment corrects language currently in the bill which is inconsistent with the 1971 Alaska Native Claims Settlement Act. The amendment maintains the status quo and ensures the future recognition of current Indian Tribes, tribal organizations, Alaskan Native Villages and Alaska Native Regional Corporations. Mr. Speaker, we are very cognizant of the historic nature of the legislation before us today.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. DIAZ-BALART).

The amendment in the nature of a substitute 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.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 177, not voting 17, as follows:

[Roll No. 475]

YEAS—237

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Etheridge
Evans
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Blagojevich
Condit
Farr
Hinchey
Hooley
Houghton
Hulshof
McCarthy (NY)
McDermott
McKinney
Meek (FL)
Miller, George
Rangel
Roukema
Simmons
Stark
Stump

□ 1415

Messrs. ROTHMAN, BERRY, ABERCROMBIE, CUMMINGS and TOWNS changed their vote from ''yea'' to ''nay.''

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.

Stated Against:

Mr. FARR of California. Mr. Speaker, I was unavoidably detained in my congressional office and missed rollcall vote No. 475. Had I been present, I would have voted ''nay.''

RECESS

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 6 o'clock and 33 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the