□ 1030

If U.N. inspectors had been given a few more months in Iraq, we would have known that Iraq was no serious threat. Now, the best case scenario we can achieve in Iraq is, and I quote, ''tenuous stability;'' the worst case, civil war.

President Bush gave two speeches on the campaign trail yesterday. Neither mentioned the report. When is this administration going to admit to grievous errors of misjudgment?

CELEBRATING THE LIFE OF DR. JAMES RICHARD RUTLEDGE

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

Mr. ADERHOLT. Mr. Speaker, it is with sadness that I rise this morning to remember the life of Dr. James Rutledge, who recently passed away at the age of 65. I am honored to stand before this body of Congress and this Nation to recognize some of his many accomplishments.

He was born in Ironton, Ohio. He was educated in Kentucky. He joined the air force after receiving his degree in medicine. He served his country honorably, and for his service in Thailand during the Vietnam War, he attained the National Defense Service Medal, the Vietnam Service Medal and the Republic of Vietnam Campaign Medal.

Jim and his wife Rhonda moved their family to Jasper, Alabama, which is located in the Fourth Congressional District in February of 1980, and he served as the medical director of laboratory medicine at Walker Baptist Medical Center.

Dr. Jim Rutledge was a man who loved his God, his wife Rhonda, his family and his country. He was a true American hero to so many during his life. He was a man many depended upon, a man of little fanfare but deep wisdom and compassion.

Our prayers continue to go out to Jim's family, friends and community at this difficult time.

Mr. Speaker, I could go on much longer about this man but time does not permit. However, I will put an extended tribute to Dr. Rutledge in the RECORD.

ADMINISTRATION MUST ADMIT MISTAKES

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

Mr. EMANUEL. Mr. Speaker, Saturday, October 10, will mark the 2-year anniversary of the House of Representatives passing the war resolution. Let me give my colleagues some of the highlights in the last 48 hours and news.

Iraqis eliminated illicit arms in the 1990s. Paul Bremer criticizes troop levels: ''We never had enough troops on the ground.'' France was ready to send troops to Iraq, 15,000, but did not because of the relationship with President Bush.

White House embraced disputed arms intelligence. The White House claimed Iraq was buying aluminum tubes to facilitate its nuclear capability, even though their own experts told them otherwise.

Funds to rebuild Iraq are drifting away from their target. Only 20 cents on the dollar are going to rebuilding Iraq.

Secretary of Defense Rumsfeld said there was no relationship between Iraq and al Qaeda.

Mr. Speaker, the house of cards that this administration built for the case for going to war and how to prosecute this war is collapsing. In going to war, this administration allowed etiology to trump reality. Iraq was not an imminent threat, but with the costs and casualties mounting, candor would be a welcome addition to this White House. You cannot fix a problem if you do not acknowledge that you have one.

TIMES WHEN WAR IS THE ONLY OPTION

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

Mr. HAYES. Mr. Speaker, I rise today in thanks and tribute to our wonderful troops and a volunteer Army in Iraq who are making the world safer, and I quote my friend Gary Bauer about Senator KERRY: Moreover, wind surfing is not a policy; it is an excuse or inability to act. He sounds like Neville Chamberlain clinging to a scrap of paper after accepting the lies of a lunatic and declaring peace in our time, the terrorists had been there all along.

But Winston Churchill understood there are times when war is the only option. One more U.N. resolution, one more scrap of paper from Saddam Hussein would not have made America safer. Our President understood that and he stood up for America.

SANCTIONING IRAN

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

Mr. SHERMAN. Mr. Speaker, during the presidential debate, both candidates agreed that nuclear weapons in the wrong hands were the greatest threat to America. President Bush described his policy by saying we have sanctioned Iran; we cannot sanction them anymore. What an incredible falsehood.

This Congress last decade passed the Iran-Libya Sanctions Act, which prevents any oil company investing in Iranian oil infrastructure from doing business in the United States. Yet the President has refused to apply this law. He gave a wink, a nod and a consent to a consortium of Japanese oil companies, revealed in the financial press, which allowed them to go forward with $2 billion of investments in Iranian oil fields.

The State Department wrote to me and said that we will continue to import nonenergy items from Iran. We will continue to do business with Iran because we want them to do business with us.

Who is Iran doing business with? Halliburton, doing business with Iran through its foreign subsidiaries.

So when the President says we have already sanctioned Iran, we cannot sanction them anymore, what he really means is, we are going to continue to do business with Iran and we want them to do business with Halliburton.

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 the motion to instruct on the conference on H.R. 4567, and that I may include tabular material on the same.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4567, be instructed to insist on inclusion of the highest possible level of funding for each homeland security, first responder, domestic preparedness, emergency management performance grant, fire grant, flood map, and disaster mitigation program within Titles II and III.

The SPEAKER pro tempore. Under rule XX, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, this motion to instruct House conferees is straightforward. It is a motion to insist on the highest possible level of funding for each homeland security first responder, domestic preparedness, flood map and disaster mitigation program in the bill.

In the conference on the fiscal 2005 Homeland Security appropriations bill, we have the opportunity to provide additional homeland security resources to close known security gaps and to strengthen our first responders.

Going to the higher funding levels for each of these programs means that we would provide $945 million more than the House-passed bill. We should instruct our conferees to do just that.

We all know that first responders, our local police, firefighters, the emergency response personnel, will be the first at the scene of a terrorist attack. We know only too well how many of them lost their lives on 9/11.

Yet, the Senate bill provides $400 million less for the Office of Domestic Preparedness grant programs than the House bill does. This motion would direct conferees to include the highest level for each of the programs funded under ODP.

The conferees should insist on the $1.25 billion provided by the House for the formula-based preparedness grants to all States.

The conferees should insist on $500 million provided by the House for law enforcement preparedness grants to all States.

The conferees should insist on the $1.3 billion provided by the Senate for urban area security grants.

The conferees should insist on the $50 million provided by the House for metropolitan medical response system grants.

We should insist on the $236 million the Senate provided for emergency management performance grants. These grants directly support the States' emergency management programs.

The conferees should also insist on the additional $100 million provided by the Senate for fire grant programs, which would still only fund our fire departments at this year's level.

A year ago, the Council on Foreign Relations released a report entitled, First Responders: Drastically Underfunded, Dangerously Unprepared. The report stated that billions of dollars, $98 billion specifically, are needed to properly equip first responders. Yet, the Bush administration and the Congress continues to cut this funding, not increase it.

Another recent survey shows that fire department needs are immense and are not being met. Is this where we should be 3 years after 9/11?

The motion also addresses funding for our border patrol and immigration investigation operations. A recent Time magazine cover story entitled, ''Who left the door open?'' exposes the weaknesses in our land border security efforts. These are troubling homeland security gaps that we must fix.

While these problems cannot be solved by money alone, additional funding is critical to help harden our security barriers, increase our deportation efforts, and expand our border patrols. We should provide these resources.

House conferees should be instructed to insist on the additional $211 million that the Senate provided for northern border air surveillance operations. We have not yet done what we need to do to protect our northern border.

House conferees should be instructed to insist on the $136 million the Senate provided for increased alien detention efforts, including additional bed space and detention alternatives.

As the 9/11 Commission noted, we have an immigration system that is ''not able to deliver on its basic commitments, much less support counterterrorism.''

The Air Marshal program is also critical to enhancing our aviation security. The Bush administration has allowed the number of air marshals to fall below the levels they recommended after 9/11. The Senate bill contains an additional $50 million to increase the number of air marshals. House conferees should be instructed to insist on this higher funding.

At the current rate, it will take over 10 years to install checked baggage explosive detection systems in airports with the most critical problems. While TSA is trying to replace unwieldy temporary systems with permanent explosive screening solutions, our progress in this effort is directly related to resources. The Senate bill contains $96 million more than the House. Conferees should be instructed to insist on the higher funding level.

The recent hurricane and flooding reminded us how important it is for communities to have accurately mapped flood areas and funding to mitigate disasters so they do not recur. The Senate bill provides $100 million more than the House for these efforts. Our conferees should be instructed to insist on this higher funding.

All of these programs are needed to close homeland security gaps and better prepare our Nation. The motion to instruct directs the House conferees to agree to the highest funding levels possible for homeland security, first responder, domestic preparedness, flood map and disaster mitigation programs.

We should be doing all we can to close known security gaps today so that we are not sorry tomorrow.

Mr. Speaker, I urge adoption of this motion to instruct.

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

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

Mr. Speaker, the conference report for the fiscal year 2005 Department of Homeland Security appropriations bill, which we will be considering on the House floor soon, will provide $32 billion for the Department of Homeland Security. This funding level is consistent with the subcommittee's spending allocation, and it is $496 million above the amounts proposed by the President and $1.1 billion above fiscal year 2004 enacted levels.

The conference allocation will allow us to aggressively support critical homeland security missions identified in the gentleman's motion, including first responder, domestic preparedness, emergency management, firefighter assistance and disaster mitigation and relief programs.

□ 1045

The motion offered by the gentleman from Minnesota is consistent with my intentions to secure our Nation's homeland by providing the most robust funding possible for all aspects of homeland security: Protection, preparedness and response. But we must do this within our spending allocation.

For the 22 agencies that now make up the new department, Congress has provided more than $73 billion through fiscal 2004. With the additional $32 billion in this bill, the totals provided to the Department is more than $105 billion in fiscal years 2002 through 2005.

Tremendous progress has been made in making our Nation more secure using the right mixture of people and technology to strengthen our borders and close security gaps. Let me give some success stories:

Since its creation, the Department has inventoried the Nation's critical infrastructure to include more than 33,000 facilities and begun identifying and reducing vulnerabilities at chemical plants and facilities, nuclear power plants, national monuments, subway and light rail systems, and commercial sites, among others.

Two, the Department has streamlined the process used to get money out to first responders by setting up a new one-stop shop and eliminating choke points so that money can flow where it is needed more rapidly.

Three, we have enhanced aviation security by searching all checked bags for explosives, modifying airports to install explosive detection machines in-line, improving air cargo security through increased screening and enhancements of the known shipper program, and developing antimissile devices for commercial aircraft.

Four, we have increased the presence of the container security initiative to more than 38 foreign ports which ship us over 80 percent of our container freight, meaning that we are prescreening most high-threat cargo before it ever reaches our shore.

The next point. We have made capital improvements, investments in innovative technologies, including radiation detection for our ports and nonintrusive inspection technologies for cargo screening which are deployed at our busiest land and seaports.

And we have created standards for first responder equipment, established three Homeland Security Centers of Excellence and expanded the presence of sensors in high-risk cities for detailing biohazards.

Those are just some of the accomplishments that we can count on and be thankful for since 9/11.

Mr. Speaker, I support the highest possible funding levels for the critical functions of the Department of Homeland Security. I also believe in the responsible use of taxpayer money. As we move towards conference, my goal is to do all we can to ensure both our Homeland Security operators as well as our first responders get the tools they need to keep our hometowns safe and secure.

I certainly believe in doing all we can to make this country safe, and in that spirit, I accept the gentleman's motion as a good one.

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

Mr. SABO. Mr. Speaker, I yield 5 minutes to the distinguished ranking Democrat on the House Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased that the gentleman from Kentucky has accepted the Sabo motion, but I want to express a caution. It does the country no good, it does this institution no good if that motion is accepted for purposes of moving us to conference and then discarded the moment we move into conference.

I do not want anybody to vote for this motion to accept today unless they intend to oppose any bill that comes back from conference which short-sheets the funding levels described in the Sabo amendment. To do that would be legislative hypocrisy.

Mr. Speaker, I think a number of things need to be pointed out. This President and this administration have a long history of trying to prevent this Congress from providing all of the funding that we think is necessary to protect Homeland Security. After we were hit by anthrax, and our committee on a bipartisan basis put together a list of crucial additions to the Homeland Security budget, we went down to the White House and tried to show them to the President. Before we could say one word, the President said, ''Well, I want you to know that if you appropriate a dollar more than I have asked for for Homeland Security I will veto the bill,'' without even listening to what it was that we had to say. We had to point out to him that there were four different Federal installations that his own security people had said were under grave threat of terrorist attack, which his budget was not doing one blessed thing to protect, and he still resisted us.

So we had to come back to the Congress and, despite the President's threat of veto, we had to add several billion dollars to the bill that year.

The next year, the President pocket vetoed $1.5 billion in additional funding for Homeland Security that this Congress had provided on a bipartisan basis. Ninety-eight percent of the Republicans and the Democrats in both Houses had voted for those add-ons, yet the President declined to allow that money to go forward.

So today we are still far behind where we should be in protecting our courts, far behind where we should be in protecting the northern border. We have 2,000 fewer inspectors on the northern border than the PATRIOT Act itself said we ought to have.

So I am frankly amazed at the footdragging that this administration has done or has engaged in when it comes to providing adequate funding for these items. We have only 13 percent of America's fire departments who are fully equipped to respond to a full-blown HAZMAT incident. We only have one-third of firefighters per shift who are adequately equipped with self-contained breathing apparatuses, and we still have a minuscule percentage of cargo inspected as they come into our ports.

The gentleman from Kentucky talks about how we have 38 ports we are now trying to put the new Customs system in. There are 38 ports we are trying to get that done in, but it is not done yet. And as far as China is concerned, we are barely off the ground at inspecting the huge amount of cargo that comes into this country from China. So we have huge additional holes.

So I hope this House and this committee will not be disingenuous in accepting this amendment now and then walking away from its requirements as soon as we get to conference later today.

What we have been doing consistently is moving bureaucratic boxes around, rather than providing adequate resources to do the job. What we did 2 years ago on Homeland Security, we had 133 agencies that had something to do with homeland security. This Congress took 22 of them, not including the FBI, not including the CIA, the two most important agencies, we took 22 out of 133 agencies, lumped them together, called that the Homeland Security agency. We still had 111 agencies on the outside looking in. They were not included in the reorganization. As a result, we have a huge percentage of key personnel positions in the Homeland Security agency today that are still not filled, and almost 25 percent of the positions that are filled, are filled with political appointees.

Mr. Speaker, what we have not done, while we have rearranged the boxes, is to provide enough adequate financial resources to this agency. So I hope we are serious in accepting this motion today.

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

The gentleman from Wisconsin knows that our subcommittee does a lot of closed-door briefings. They are not hearings, they are briefings. They are behind closed doors because we are dealing with classified materials and procedures and practices. Therefore, there is a lot we cannot talk about here in these surroundings. There is a lot going on that we cannot describe. And I really resent those who would take advantage of the fact that we cannot describe all that we are doing to say we are not doing enough.

I resent that. If the gentleman would attend some of those closed briefings, he would know better.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

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

Mr. OBEY. I have attended a lot of briefings that I have never seen you at, with the CIA, the Homeland Security Agency, and a number of others.

Mr. ROGERS of Kentucky. Well, if you would attend one closed Homeland Security briefing, I would appreciate it.

Mr. OBEY. You don't know the briefings I have attended.

Mr. ROGERS of Kentucky. Reclaiming my time.

Mr. OBEY. Get your facts straight.

Mr. ROGERS of Kentucky. Reclaiming my time.

The SPEAKER pro tempore (Mr. HAYES). The gentlemen will direct their comments to the Chair.

Mr. ROGERS of Kentucky. Reclaiming my time, Mr. Speaker.

Suffice it to say on, for example container security, there is a lot more going on than the gentleman has described, or perhaps even knows about. And I would hope that we could keep this discussion based on facts, and based on the fact that we cannot talk about publicly a lot of the classified procedures and operations that are being done and easily demagogued by those who want to buy some political insurance in case we have an unfortunate incident in the future.

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

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume, before I yield to the gentleman from Texas, to make just a couple of comments.

I am not sure we get anyplace by talking about who has been at meetings or who has not. I have been at lots of meetings with the ranking member as it relates to Homeland Security. I also have been at lots of meetings that do not relate to Homeland Security but relate to another subcommittee I am on in which Mr. OBEY has been at. Frankly, it is interesting to hear intelligence from two different perspectives. It is helpful at times. Other times, they still leave you wishing you knew more.

But let me just make this observation. It is true we have limited dollars. It is also true we have an immense new challenge. I hear all this rhetoric that we are in a war on terrorism and that we are and have potential targets in

this country. It only strikes me from open and closed hearings that I have been at that we are pretty casual about the threat we face in this country.

Clearly, we have spent billions, and some progress has been made. But the gaps are there, and they are large and they are substantial. It is always impossible to deal with every potential gap that someone can think of. That is impossible in a free society. On the other hand, we know that there are large targets in this country that, frankly, we have not done enough about. We also know that there are significant gaps in the funding of our first responders, and we know that in the last couple of years, rather than going forward, we are going backwards in the funding of first responders in this country.

□ 1100

This committee and this House have been better than the administration. The administration has regularly cut funding in their budgets for first responders. We have added, but have not been able to add back everything they are cutting. And we are into this same pattern again. The bills that we have will be significantly better than what the administration requested. But what the administration requests as it relates to first responders in this country is simply tragic.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Texas (Mr. TURNER), the ranking Democrat on the Select Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think Members on both sides of the aisle have the same intention, that is, to make America as safe as it needs to be, but I do think there is a very different view of what it will take to ensure the safety of the American people against the threat of al Qaeda and the threat from bin Laden.

When we look at the current level of expenditures for homeland security, what we see is there is much that we have not done. We have not secured the loose nuclear material that is around the world and which represents the greatest threat to our security, that is, the possibility and likelihood that a terrorist would try to detonate a nuclear bomb within one of our cities. We spent more money trying to secure loose nukes in the 2 years prior to 9/11 than we did in the 2 years after 9/11.

We look at the results of the efforts that have been made and how they fall far short of our goal. We do not yet have a unified terrorist watch list. We had 120,000 hours of untranslated wiretaps at the FBI that was reported in the newspaper just this week. We know there are 20,000 illegal immigrants who were caught and released into our country last fiscal year because there was no funding for the detention space to hold them, illegal immigrants from places other than Mexico.

We know that in 2004, last year, we had invested about $20 billion more in homeland security than we did in the year prior to 9/11. We know that is a lot of money, and yet we also know that in terms of our priorities and in terms of our $850 billion discretionary spending budget, it was not a major change in commitment.

The truth of the matter is, we need to do better. We must make America safer. It is all about choices. It is all about priorities.

When you look at the tax cuts that were given to the top 1 percent of Americans in fiscal year 2004, they totaled four times more than the additional investments we made in homeland security over the year prior to 9/11.

We have a whole list of unmet needs. We are told we need $2.7 billion to secure our rail and public transit systems. We are told we need at least $200 million more to install all of the radiation portal detectors this year to make sure we do not have a nuclear weapon shipped into our country by land or sea or air. We know that we need $100 million to hire additional security personnel on the northern border and an estimated $1 billion to truly secure the southern border. We know that in this appropriations bill we have zeroed out the funding for interoperable communications grants, such a critical issue to our first responders all across this country.

I recognize that the gentleman from Kentucky (Chairman ROGERS) has made his best effort and worked within the constraints that he was handed, and I am pleased that we have close to half a billion dollars more in this bill than the President has requested. But it was very telling to me the other night during the debate when JOHN KERRY enumerated several of these needs that we have to improve our homeland security, and the President replied, ''He doesn't tell you how he is going to pay for this.'' He said it is like a big tax gap.

Mr. Speaker, today we are borrowing half of our discretionary spending, and if the President really believes that we are in a war on terror, as I do, I think he would place homeland security as a priority in terms of what we do.

So, yes, under the leadership of the gentleman from Kentucky (Chairman ROGERS), we are appropriating more money than the President even asked for to protect the homeland, and yet it is still far from meeting the needs that we have.

When you look at the amount we are spending and you compare it to what we are spending in other places in our budget, the spending for fiscal year 2005 is about $1 billion above the level for last year. That $1 billion is equal to about a week of what we spend in Iraq.

I would say to you, if the threat is, as I believe, a threat of international terrorists attacking us on our own soil and this is a war we must win, I would suggest that we change our priorities. We will make different choices, and we will ensure that America is safe.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve my time.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the gentleman from Kentucky says that he resents the fact that I have raised some of these shortcomings on the House floor. I am sorry he takes so many things personally. We all recognize that his committee has added $800 million to the administration budget; and as far as it goes, that is fine. But that does not mean that we are meeting the needs of this country.

He likes to talk about things that people do not know, ''classified information.'' Rather than hiding behind that classified information, I would simply say I will tell you what is not classified: the fact that we have fewer air marshals today patrolling the skies than the President and the Congress promised in 2001.

I will tell you what is not classified: the fact that the President of the United States himself said that 40 percent of people who are in this country illegally have overstayed their visas, and yet that backlog of cases has grown by 40,000 a year.

I will tell you something else that is not classified: the gentleman says we need to be fiscally responsible. The President in the debate with Mr. KERRY last week said, ''Well, it is interesting to see how much Mr. KERRY wants to provide for homeland security, but where is he going to get the money?''

I will tell you where we tried to get it. We tried to say, instead of giving people who make $1 million a year a $128,000 tax cut next year, let's cut that back for those folks who make over $1 million and put that money into additional port security, put that money into airline security, put that money into screeners. And do you know what? The gentleman from Kentucky voted against that. So he had a choice between homeland security and additional tax cuts for millionaires, and he made the wrong choice.

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

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

The SPEAKER pro tempore (Mr. HAYES). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. 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 SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct on H.R. 4567 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 4661, as amended; on the motion to suspend the rules and pass H.R. 5213, as amended; and on the motion to suspend the rules and pass H.R. 5186, as amended.

The vote was taken by electronic device, and there were—yeas 395, nays 16, not voting 21, as follows:

[Roll No. 502]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—16

Bachus
Duncan
Dunn
Ehlers
Feeney
Flake
Garrett (NJ)
Jones (NC)
Kingston
Kolbe
Linder
Musgrave
Pearce
Shadegg
Tiberi
Toomey

NOT VOTING—21

Boehlert
Culberson
Filner
Gephardt
Hulshof
Israel
Johnson (CT)
Kilpatrick
Kleczka
Majette
Millender-McDonald
Neal (MA)
Norwood
Paul
Radanovich
Slaughter
Sullivan
Tauzin
Towns
Vitter
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1133

Messrs. GARRETT of New Jersey, BACHUS, and EHLERS changed their vote from ''yea'' to ''nay.''

Mrs. CUBIN, Mrs. MILLER of Michigan, and Messrs. TERRY, GRAVES and HOSTETTLER changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 502, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

INTERNET SPYWARE (I–SPY) PREVENTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4661, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4661, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 503]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson