

Believe it or not, this is not a partisan thing, because I would be on this floor to protect the jurisdiction of the Committee on Rules if we were in the majority. You keep cutting away from the responsibilities of the committees and the subcommittees, and especially the Committee on Rules.

The Committee on Rules, they are the traffic cops. They are supposed to have an equitable distribution of the time and allow for Members to know what they are going to debate. If you do not have a bill filed, if you do not know what is going to be in front of you, you are caught in the embarrassing position of saying, I do not know.

Go to the Website? How can you go to the Website and be on the floor? How can you ask the Website a question? You are supposed to want to pull up this Tax Code, which we got today, by the roots. Instead, you bring 600 pages of fertilizer and make it more complicated.

This is not simplification. People may ask you what is in the bill. I want to give you a chance.

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

Madam Speaker, we certainly know that the legislative calendar for this year was set to complete our work on October 1. We are now here on October 7 and working to get our work done. And it is my hope that we continue on the 9/11 debate today and other important matters pending.

It is also my hope that we are able to consider the legislation dealing with the American Jobs Act of 2004.

□ 1300

We know that since this last hour, that we are asking the body to consider a same-day rule so that we can consider the legislation if and when the Committee on Rules meets and sends to this floor a rule for consideration of the underlying legislation. We know that the gentleman from California (Chairman THOMAS) has personally come and filed the report for the conference report before this body, and we have seen in the last hour both what the bill looks like, with some 1,300 pages and 12, 13 inches thick, and we heard me previously say that the Committee on Ways and Means Web site address, [waysandmeans.house.gov](http://waysandmeans.house.gov), if you go to "What's New" and you look for conference documents, you will find the conference report, which is bipartisanly signed, in its entirety. And, if you want, the Adobe Acrobat has the word search so that you can find anything you are interested in finding.

This legislation has been around for a while. Again, I will repeat myself, as I have several times in this debate: It has nothing in it within the provisions that was not considered in this body or the other body by as the conferees came together. It was an open conference, even though the motion to in-

struct was defeated, and we followed the Senate rules whereby members of the conference could file numerous and countless amendments, which were considered, and we now have a final word product.

I know the debate on the floor, as we get through this, either today or this early evening or if it ends up tomorrow, will have all sorts of interpretations. We will get down to the fact that it is going to help American business, and that includes small business, farmers, and small manufacturers.

The Republican leadership and the Committee on Rules has met. They are not acting against the rules of this House. Quite frankly, we have asked for consideration of the body by majority vote to determine if we can have a same-day consideration, and that is what is going to happen as we have a vote here shortly.

Mr. Speaker, I move the previous question on the resolution, which is same-day consideration of the legislation before us, and I yield back the balance of time.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

#### CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. THOMAS (during consideration of H. Res. 828) submitted the following conference report and statement on the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad:

#### PROVIDING FOR CONSIDERATION OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 827 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 827

*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. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and

coordination, 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 three hours and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 4, 2004. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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.

Sec. 2. Upon passage of H.R. 10 and receipt of a message from the Senate transmitting S. 2845: (a) the House shall be considered to have: taken from the Speaker's table S. 2845; stricken all after the enacting clause of such bill and inserted in lieu thereof the provisions of H.R. 10, as passed by the House; passed the Senate bill as so amended; and insisted on its amendment and requested a conference with the Senate thereon; and (b) the Speaker may appoint conferees on S. 2845 and the House amendment thereto at any time.

Sec. 3. The motion to instruct conferees otherwise in order pending the appointment

of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after passage of H.R. 10.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), 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. Speaker, this is a fair and structured rule providing for consideration of H.R. 10, the 9/11 Recommendations Implementation Act. H. Res. 827 makes in order 23 amendments, including an amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ).

The rule before the House today will provide for a thorough debate on this Nation's vision for the reform and improvement of our intelligence operations. Specifically, this rule provides for 3 hours and 40 minutes of general debate allocated between the chairman and ranking minority members of eight separate committees.

H. Res. 827 waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute consisting of the text of the Committee on Rules print dated October 4, 2004 be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute consisting of the text of the Committee on Rules print.

H. Res. 827 makes in order only those further amendments which are printed in the Committee on Rules report accompanying the resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

H. Res. 827 waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

In addition, this rule provides that upon passage of H.R. 10, the Senate transmittal of S. 2845, the House shall be considered to have taken from the Speaker's table S. 2845, stricken all after the enacting clause of such bill and inserted the provisions of H.R. 10 as passed by the House.

Finally, the rule provides that House shall be considered to have passed the Senate bill as so amended, and insisted on its amendment and requested a conference with the Senate. The Speaker

may appoint conferees on S. 2845 and the House amendment at any time. This provision provides for the expeditious movement of the bill upon passage to the next stage of the legislative process, which is a House-Senate conference.

The rule also provides that the motion to instruct conferees shall be in order only at a time designated by the Speaker and the legislative schedule within 2 additional legislative days after the passage of H.R. 10. This provision is intended to protect and ensure the minority's right to offer a motion to instruct conferees.

Mr. Speaker, 3 years have passed since that beautiful September day was shattered by terrorists who despise the thought of a Nation that allows its people the freedom to live and worship as they choose. I agree with President Bush that "the terrorists are offended not merely by our policies, they are offended by our existence as free nations."

Since that day, our Nation has fought this war on multiple fronts: diplomatic, financial, investigative, homeland security, humanitarian, and militarily. We have also committed to improving our intelligence operations. After the House and Senate passed the Intelligence Authorization bill last Congress, the President signed the bill into law, establishing the National Commission on Terrorist Attacks on the United States. Its goal was to prepare a complete account of the events surrounding the September 11 attacks. Recently, the Commission submitted recommendations to Congress citing the need for reforms of our intelligence and homeland security systems.

I am pleased that this bipartisan group was able to come through to a thorough conclusion on what went wrong prior to September 11 and what must be done to ensure that those heinous acts never occur again.

Proactive steps have already been taken during the month of August when Congress traditionally recesses to conduct work in our respective districts across the country, Members were called back to participate in no less than 20 committee hearings on the Commission's report. I joined my colleagues in a hearing of the House Select Committee on Homeland Security where we were able to listen to the testimony of Commission Chairman Tom Kean and Vice Chairman Lee Hamilton.

President Bush has outlined a strategy for sweeping reform of our security and intelligence operations in his continuing efforts to keep our Nation safe from those who wish to do harm to our citizens. Today, the House continues its efforts to move forward to make the substantive changes that will inevitably help better protect the citizens of this country. The House is committed to doing everything in its power to enact a plan that reflects the full scope of the Commission's intelligence and homeland security recommendations.

This wide-ranging bill reforms and integrates our intelligence capacity by establishing a National Intelligence Director to serve as the head of the intelligence community, a National Intelligence Council, and an Intelligence Community Information Technology Officer to assist in implementation of an integrated information technology network.

The bill focuses on effective information-sharing, because we know that prior to September 11, the sharing of intelligence in the Federal Government was inadequate. This bill ensures the sharing of and access to information within our intelligence community with a particular emphasis placed on detection, prevention, and the disruption of potential terrorist attacks.

Mr. Speaker, H.R. 10 focuses on terrorist prevention by authorizing Federal officials to target "lone wolf" terrorists, targeting money laundering and terrorist financing, and enhancing airline security through improved passenger pre-screening, and training all Federal law enforcement officers with in-flight counterterrorism procedures.

This bill effectively restructures the government by strengthening the Federal Bureau of Investigation through recruitment and retention, streamlining our Nation's current security clearance procedures by eliminating duplicative processes and, finally, improving efficiency by expediting the processes that direct resources to first responders where they are most needed.

In addition, in response to the Commission's detailed report on problems such as border security, information-sharing, and immigration enforcement, this comprehensive bill tackles these challenging issues and enhances the reforms that have been put in place since September 11.

Mr. Speaker, this is a fair and balanced rule for a bill that is critical to improving our current security and intelligence operations. I urge support for the rule and for the underlying measure.

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

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

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

Mr. FROST. Mr. Speaker, at the end of the last Congress, after great pressure from the families of the victims of the terrorist attacks against the United States, this institution took a positive step in fighting the war on terror by creating the 9/11 Commission. The Commission was charged with the responsibility to investigate the reasons why that horrible day happened and to recommend ways to ensure that it could never happen again.

The Commission, ably chaired by Governor Kean of New Jersey and our former colleague, Lee Hamilton of Indiana, conducted a truly nonpartisan,

exhaustive, and introspective investigation of the events leading up to September 11, 2001.

□ 1315

Their report is chilling. It provides ample evidence of missed opportunities, failures of communication, and the inability of our intelligence agencies to fully examine and understand the threats against the United States.

As a result of these failures, the al Qaeda network and Osama bin Laden have been able to launch attacks against the United States in Saudi Arabia, Kenya, Tanzania, and Yemen in the years leading up to 2001 and, of course, against us on our own shores on September 11, 2001.

The commission on a totally bipartisan basis made 41 recommendations to the Congress. While not every Member of the House or the Senate agreed completely with every part of the commission's recommendations, many in this institution felt that the work of the commission deserved to be considered in a thoughtful and deliberate way.

Mr. Speaker, I believe that the leadership of the House has failed to give these recommendations the serious consideration they deserve. I must commend the chairman and ranking member who conducted hearings during the August district work period and into September. Many of these committees made substantive recommendations. But the text of the original H.R. 10 and the version of the bill before us today were not produced in a bipartisan manner; and that does a great disservice to this body, to the families of the 9/11 victims and to the meaningful work done by the 9/11 commission.

Unlike the bipartisan work on this issue by the other body, the process in the House was directed and controlled by the Republican leadership. Unfortunately, many of the thoughtful suggestions made by Democratic Members and adopted by their committees were jettisoned from the bill before us today.

While some of us may ultimately support H.R. 10 in an effort to move the process forward and in an effort to make the country and the world a much safer place, there is a deep concern that, on an issue of such great importance to every American, whether they be a Democrat, Republican or an Independent, that the House has missed a great opportunity.

The 108th Congress has been one of many missed opportunities, and it is a shame that we have to include this important legislation on that list.

The rule does make in order a substitute amendment to be made in order by the gentleman from New Jersey (Mr. MENENDEZ). The Menendez substitute merges the text of two Senate bills that have been endorsed by the 9/11 Commission, S. 2845, known as Collins-Lieberman, as reported from committee; and S. 2774, known as McCain-

Lieberman, as introduced. The substitute more accurately reflects the work of the commission and should be considered by the House. It is unfortunate that we will consider H.R. 10 and the Menendez substitute under such a hurried schedule, but that is a hand that has been dealt to the House by the Republican leadership.

I am sure that many members of the Democratic Caucus will support the Menendez substitute. I hope that members of the Republican conference will do so as well.

Mr. Speaker, time and again we have seen the Republican leadership purposefully exclude Democrats from the deliberative process. At the hearing of the Committee on Rules on H.R. 10, I said that the Republican Party does not hold the lock on national security issues. National security is about all of us.

I hope that ultimately a bill will be sent to the President that will provide for the security of our Nation and its people.

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

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, the reason I asked for time under the rule is because I do not think there will be enough time during consideration under general debate and there are a number of points that I wanted to make.

I have been a member of the Permanent Select Committee on Intelligence for 6 years, and I am very proud and privileged to serve on that committee and have served on the committee when 9/11 occurred and obviously since that time. I want to just state for the record the things that we have done as a Congress and also what the administration has done long before a 9/11 Commission was ever created and long before a 9/11 Commission put out a report.

We created a homeland security agency that put together 22 agencies at a cost of \$40 billion. These agencies are now working together, communicating and cooperating together. We created a TSA agency for every major airport in this country to screen passengers and screen bags at a cost of about \$5.2 billion. We gave the airline industry \$4.6 billion to secure cockpits and to make sure that the airline industry was able to survive after 9/11. We passed here on this floor in this Congress the PATRIOT Act which allows law enforcement people to communicate with each other, allows law enforcement people to arrest people in Buffalo, New York and Portland, Oregon trained by al Qaeda with no other purpose in mind but to hurt Americans.

The PATRIOT Act allows law enforcement people to surveil people and surveil people's cell phones and look

into people's bank accounts, all provisions that did not exist before 9/11. We created that opportunity. We gave to New York between \$20 billion and \$40 billion to compensate the families and to compensate New York for the work that was done to clean up the Twin Towers area.

We authorized and now there are being recruited 1,000 new CIA agents, and we authorized and there are now being recruited 1,000 new FBI agents. We created TTIC, which is a terrorism task force within the CIA that works very closely and now is analyzing information, and there is a great deal of coordination and cooperation going on.

We created the JTTFs in every major city where all law enforcement and prosecutors are sitting together every day talking to one another and doing good work. The FBI has been reorganized under Director Mueller, and he deserves a great deal of credit for reorganizing the FBI with one goal in mind: to go after the terrorists and to really make an effort in every office in the FBI to communicate directly with local law enforcement people.

We invaded Afghanistan. We dismantled al Qaeda at a cost of about \$18 billion, an enormous cost, but we have dismantled al Qaeda. We have invaded Iraq. We have brought down Saddam Hussein's regime. But the bottom line in all of this is we have not been attacked for 3 years, and we have not been attacked because we have done a lot of good in this Congress. And the lion's share of the credit goes to this administration, to President Bush and his team, and this Congress for the work we have done to secure America, to go after the terrorists, to dismantle al Qaeda. And it has cost us enormous amounts of money, but we have not been attacked for 3 years.

All of this was done prior to the 9/11 Commission and prior to any kind of report being put out.

Now to the bill. This bill was cobbled together by a small group of people with little or no real help from those of us on the Permanent Select Committee on Intelligence or any other committee. It creates a so-called intelligence czar, and it creates what people have been criticizing around here for a long time, another bureaucracy. It not only creates another national intelligence czar, but it also creates eight or nine additional people. It creates a whole new bureaucracy.

The criticism has been that there was too much bureaucracy. There were too many stovepipes. There were too many people who were not communicating or cooperating with one another.

My point is this: We do not need another bureaucracy. We do not need another person. There are plenty of people that are communicating and cooperating, and the proof of that is all of the things that we have put in place and that the Bush administration has done. They deserve the credit, and we deserve the credit. And we should be

talking around here about the things that the Permanent Select Committee on Intelligence and other committees have done and that we as a Congress have done to secure America, to go after al Qaeda, to take the war on terror to the terrorists. We have done a lot of good work around here.

Now this idea that the report comes out and it is sacrosanct and it is the end all and be all, I think, is not accurate. And to put another layer of bureaucracy without consulting the communities, without consulting the CIA, without consulting those people that are involved in this on a day-to-day basis I think is wrong.

I will vote against the bill, and I hope Members will look carefully at it.

I appreciate very much the gentleman from Georgia (Mr. LINDER) for giving me the chance to have an opportunity to sound off on these things.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, this rule does accommodate the request of the minority leadership to make in order the Menendez amendment. It allows 60 minutes in order for debate on that amendment. However, the text of H.R. 10, which we will consider under the rule, undercuts bipartisan efforts to strengthen the intelligence portions of the bill which were adopted in the House Permanent Select Committee on Intelligence, and for that reason I urge a "no" vote on the rule.

My amendment offered in committee to establish an independent privacy and civil liberties board passed our committee by a vote of 16 to 3. A second amendment offered by a member of the majority, the gentleman from Nevada (Mr. GIBBONS), to give the National Intelligence director stronger authority to transfer and reprogram money passed in our committee by a vote of 12 to 7.

A third offered by the gentleman from Minnesota (Mr. PETERSON) to prevent the executive branch from reorganizing the intelligence community without Congress's input passed by voice vote.

Mr. Speaker, it is as if these amendments were written in disappearing ink. Not one of them made it into the bill that was considered and reported by the Committee on Rules. Not one.

Our new Permanent Select Committee on Intelligence chairman, the gentleman from Michigan (Mr. HOEKSTRA), is trying to restore our committee's long-standing bipartisan tradition which had come apart in recent months. He supported two of these amendments, but his leadership prevented them from becoming part of the base bill. Why?

Fortunately, our amendments are included in S. 2845, the Collins-Lieberman-McCain bill which is the substance of the Menendez amendment in the nature of a substitute. This is one of the reasons I strongly support the Menendez amendment which we will discuss later this afternoon.

Mr. Speaker, this rule should have accommodated bipartisan efforts by the committee of primary jurisdiction in this House. The actions by the Speaker and the Committee on Rules to strip bipartisan provisions of H.R. 10 are a sorry way to start this historic debate. I will vote "no" on the rule.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the rule and the bill that the rule brings to the floor later today.

Mr. Speaker, on a day like today a lot of Members will get up here and make political arguments and try to score political points. I trust that the public will see through all of that.

As the gentleman from Illinois (Mr. LAHOOD) has said, and I think so, well, since 9/11 we have taken a number of very important steps in this body on a bipartisan basis. There are a lot of things that we have done. Perhaps that is one reason why the 9/11 report itself says very clearly we are safer today than we were 3 years ago. But it continues on to say, but we are not safe.

It is that last part that brings us here today. I know that we are all grateful that the 9/11 Commission did not give in to the finger-pointing that we have heard so much of in the months leading up to its creation. But what the commission does make very clear, I think what the public understands instinctively is that for too many years a storm was growing in the terrorist world while too many of our leaders just turned and looked away.

The question that we will answer over the next 2 days is, Will we look away once again? Will our successors 10 years from now, 15 years from now or more, will they look back and say that this Congress failed to act when we could have, when we should have, even when the signs of danger were unmistakable? Just as unmistakable in my view is what we need to do, and that is what the underlying bill is about.

This legislation that we will take up today contains steps that will make us stronger, better, smarter, reforming our intelligence; destroying the lines of material support that make a terrorist operation possible; giving our officials from the Pentagon to our first responders the tools that they need to disrupt terrorists plans.

There will be some good debate today, and there will be some foolish debate today. Some apparently are more interested in who gets the credit instead of what gets done, but the bottom line is simple. This time under our watch we must not look away. We cannot look away.

I urge my colleagues to support this rule. It is a fair rule. I urge them to support this rule so that we can get to the debate on the underlying bill.

I urge passage of this underlying bill as quickly as we can. It will offer im-

portant tools. It will help this Nation be safe once again.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I rise to respond to the remarks of the gentleman from Illinois (Mr. LAHOOD) who I have the highest respect for, but I think it would be a great mistake to lead the American people to believe that we have done all we should be doing to secure the homeland.

If you look at our record, though you may claim America is safer, it is far from as safe as it might be in light of the threats we face.

One year after 9/11, bin Laden on his Web site said his goal is to kill 4 million Americans. The greatest threat we face today is a nuclear bomb brought into one of our major cities by terrorists.

□ 1330

In the 2 years before 9/11, we did more to secure loose nukes than we did in the 2 years after 9/11. Three years after 9/11, we still do not have a unified, accessible terrorist watch list.

We just read in the paper the other day that 120,000 hours of untranslated wiretap intercepts are at the FBI. We know that 20,000 illegal immigrants from countries other than Mexico were caught and released last year into our country because we did not fund the detention space to hold them.

We know that our administration says we need anthrax vaccines to vaccinate 25 million Americans in the event of an anthrax attack, and today, in our stockpile, we have enough vaccine to vaccinate 500 people.

I submit to my colleagues that the increased spending on homeland security has not been near what it should be. The other night, during the presidential debate, when JOHN KERRY enumerated some of these shortcomings, President Bush had an interesting response. He said, well, that is going to cost a lot of money, and we have a big tax gap. It shows us where the priorities have been in the administration.

Last fiscal year, our appropriations for homeland security were \$20 billion more than they were in the year before 9/11, \$20 billion. The tax cuts last fiscal year benefiting the wealthiest 1 percent of Americans was four times that. I say we have made the wrong choices. We have had the wrong priorities, and we should be focusing on the real threat to the security of the American people, al Qaeda.

We increased homeland security appropriations this year in the bill we just approved a few minutes ago by \$1 billion. It sounds like a lot of money. We spend \$1 billion every week in Iraq. It is time to take the real threat of al Qaeda and bin Laden seriously to protect this country to be sure we are safe from terrorist attacks.

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

Mr. FROST. Mr. Speaker, we have another request for time; although the

speaker is not here on the floor at this moment. I think he will be here shortly. I would ask, does the gentleman from Georgia (Mr. LINDER) have any other speakers?

Mr. LINDER. Mr. Speaker, I am prepared to close.

Mrs. MALONEY. Mr. Speaker, I rise in support of this rule.

9/11 Commission Chairman Thomas Kean is quoted today calling the bill the other body passed 96–2 a dream. If the other body's bill is a dream, I guess H.R. 10 is his nightmare.

There are many of us with grave concerns with the underlying bill, H.R. 10. Analysis of the bill shows it only implements 10 of the 41 recommendations, while tacking on an additional 50. In due time we will have a chance to debate this.

More importantly, the Rules Committee has also made in order a substitute amendment. While the name has changed, it is the same exact substance of the Shays/Maloney substitute. This will allow us the opportunity to have a fair debate. An opportunity to pass a clean bill with bipartisan support.

I will note that the Rules Committee did miss an opportunity to make this truly a bipartisan effort and I remind everyone that the American people do not want a partisan debate on their security. Both parties need to work together and pass this substitute.

This is what the 9/11 Commission and the 9/11 Family Steering Committee has been fighting for.

Over the last weeks they have been unwavering in their support for a fair debate and have fought for an up or down vote on clean legislation.

Today they have scored another improbable victory.

They were told by the House leadership—the same people that fought the creation and extension of the 9/11 commission—that the House would never have this opportunity. The families and commission refused to listen and once again fought for change.

They told us they want us to work in a bipartisan way.

I thank them for always keeping this House on task and I hope, with today's substitute, we can do just that.

By allowing a substitute, this House will have the opportunity to vote up or down legislation that takes provisions from both the Collins/Lieberman and the McCain/Lieberman bills.

This is the same legislation, H.R. 5223, Congressman SHAYS and I have introduced in the House and both have the support of our bipartisan 9/11 Commission Caucus.

This substitute takes Title One of the Collins/Lieberman Bill which creates a National Intelligence Director and a National Center for Counter Terrorism. For Titles two through nine, it uses the language of the McCain/Lieberman bill.

This combination would allow the House to debate a bill similar to the bill that passed the other body 96–2, a bill that enacts the provisions of the 9/11 Commission without any add-ons. This is a bill we could have on the President's desk before we leave town.

I ask Members to support this rule, but I urge them to support the substitute.

This is the option the 9/11 Families and the 9/11 Commission have fought for. It would be a shame if this House does not take this op-

portunity to work together and pass this substitute.

The American people want this Congress to work in a bipartisan way to enact the 9/11 Commission's recommendations. Today we will have that opportunity by supporting the substitute.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

H. Res. 828, by the yeas and nays;

S. 1134, by the yeas and nays; and

H.R. 5061, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS RE- PORTED FROM THE COMMITTEE ON RULES

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 828, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is the resolution.

This vote will be followed by two 5-minute votes.

The vote was taken by electronic device, and there were—yeas 222, nays 195, not voting 15, as follows:

[Roll No. 506]

YEAS—222

Aderholt	Brown-Waite,	Cunningham
Akin	Ginny	Davis, Jo Ann
Alexander	Burgess	Davis, Tom
Bachus	Burns	Deal (GA)
Baker	Burr	DeLay
Ballenger	Burton (IN)	DeMint
Barrett (SC)	Buyer	Diaz-Balart, L.
Bartlett (MD)	Calvert	Diaz-Balart, M.
Barton (TX)	Camp	Doolittle
Bass	Cannon	Dreier
Beauprez	Cantor	Duncan
Biggert	Capito	Dunn
Bilirakis	Carson (OK)	Ehlers
Bishop (GA)	Carter	Emerson
Bishop (UT)	Castle	English
Blackburn	Chabot	Everett
Blunt	Chocola	Feeney
Boehner	Coble	Ferguson
Bonilla	Cole	Flake
Bonner	Collins	Foley
Bono	Cox	Forbes
Boozman	Crane	Fossella
Bradley (NH)	Crenshaw	Franks (AZ)
Brady (TX)	Cubin	Frelinghuysen
Brown (SC)	Culberson	Gallegly

Garrett (NJ)	Leach	Rohrabacher
Gerlach	Lewis (CA)	Ros-Lehtinen
Gibbons	Lewis (KY)	Royce
Gilchrest	Linder	Ryan (WI)
Gillmor	LoBiondo	Saxton
Gingrey	Lucas (OK)	Schrock
Goode	Manzullo	Scott (GA)
Goodlatte	McCotter	Sensenbrenner
Granger	McCrery	Sessions
Graves	McHugh	Shadegg
Green (WI)	McInnis	Shaw
Greenwood	McKeon	Shays
Gutknecht	Mica	Sherwood
Hall	Miller (FL)	Shimkus
Harris	Miller (MI)	Shuster
Hart	Miller, Gary	Simmons
Hastings (WA)	Moran (KS)	Simpson
Hayes	Murphy	Smith (MI)
Hayworth	Musgrave	Smith (NJ)
Hefley	Myrick	Smith (TX)
Hensarling	Nethercutt	Souder
Herger	Neugebauer	Stearns
Hobson	Ney	Sullivan
Hoekstra	Northup	Sweeney
Hostettler	Nunes	Tancredo
Houghton	Nussle	Taylor (NC)
Hulshof	Osborne	Terry
Hunter	Ose	Thomas
Hyde	Otter	Thornberry
Isakson	Oxley	Tiahrt
Issa	Pearce	Tiberti
Istook	Pence	Toomey
Jenkins	Peterson (PA)	Turner (OH)
Johnson (CT)	Petri	Upton
Johnson (IL)	Pickering	Vitter
Johnson, Sam	Pitts	Walden (OR)
Jones (NC)	Platts	Walsh
Keller	Pombo	Wamp
Kelly	Porter	Weldon (FL)
Kennedy (MN)	Portman	Weldon (PA)
King (IA)	Pryce (OH)	Weller
King (NY)	Putnam	Whitfield
Kingston	Ramstad	Wicker
Kirk	Regula	Wilson (NM)
Kline	Rehberg	Wilson (SC)
Knollenberg	Renzi	Wolf
Kolbe	Reynolds	Young (AK)
LaHood	Rogers (AL)	Young (FL)
Latham	Rogers (KY)	
LaTourette	Rogers (MI)	

NAYS—195

Abercrombie	Dingell	Langevin
Ackerman	Doggett	Lantos
Allen	Dooley (CA)	Larsen (WA)
Andrews	Doyle	Larson (CT)
Baca	Edwards	Lee
Baird	Emanuel	Levin
Baldwin	Engel	Lewis (GA)
Becerra	Eshoo	Lipinski
Bell	Etheridge	Lofgren
Berkley	Evans	Lowe
Berman	Farr	Lucas (KY)
Berry	Fattah	Lynch
Bishop (NY)	Ford	Maloney
Blumenauer	Frank (MA)	Markey
Boswell	Frost	Marshall
Boucher	Gonzalez	Matheson
Boyd	Gordon	Matsui
Brady (PA)	Green (TX)	McCarthy (MO)
Brown (OH)	Grijalva	McCarthy (NY)
Brown, Corrine	Gutierrez	McCollum
Butterfield	Harman	McDermott
Capps	Hastings (FL)	McGovern
Capuano	Herseth	McIntyre
Cardin	Hill	McNulty
Cardoza	Hinojosa	Meehan
Carson (IN)	Hoeffel	Meek (FL)
Case	Holden	Meeks (NY)
Chandler	Holt	Menendez
Clay	Honda	Michaud
Clyburn	Hooley (OR)	Miller (NC)
Conyers	Hoyer	Miller, George
Cooper	Inslee	Mollohan
Costello	Israel	Moore
Cramer	Jackson (IL)	Moran (VA)
Crowley	Jackson-Lee	Murtha
Cummings	(TX)	Nadler
Davis (AL)	Jefferson	Napolitano
Davis (CA)	John	Neal (MA)
Davis (FL)	Johnson, E. B.	Oberstar
Davis (IL)	Kanjorski	Obey
Davis (TN)	Kaptur	Olver
DeFazio	Kennedy (RI)	Ortiz
DeGette	Kildee	Owens
Delahunt	Kind	Pallone
DeLauro	Kleczka	Pascarell
Deutsch	Kucinich	Pastor
Dicks	Lampson	Payne