This is the law and demands and this is the right thing to do. I urge my fellow members to support the Simmons-LoBiondo amendment.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman.

As my colleague explained, this amendment will restore the Coast Guard’s research and development funding to the Service’s budget. The removal of this funding from the Coast Guard’s direct control will constrict the Service’s ability to direct funding to research programs to support both the Coast Guard’s traditional and homeland security missions.

Mr. Chairman, this is the second year that the Administration has proposed to transfer this funding to the Department of Homeland Security’s Science and Technology Directorate. The Administration has reasoned that the consolidation of research programs within the Department will reduce redundancies and maximize resources available for the entire Department. However, this reasoning does not take into account the strong focus of the Coast Guard’s research program to improve the Service’s capabilities to carry out its traditional missions of search and rescue, providing aids to navigation, oil spill response and prevention, and illegal drug and migrant interdiction.

Last year, the Coast Guard identified several key areas of concentration for its research and development programs that focused on enhancement to the Coast Guard’s maritime safety, maritime mobility, marine environmental protection, and maritime domain awareness. I cannot help but be very skeptical that the Coast Guard’s research and development program will continue to support such a broad scope of investigations under a DHS program that is wholly devoted to improving homeland security.

The Coast Guard has always been and has continued to be a unique, multi-mission Service within the Federal government. As such, Congress required the Coast Guard to remain an independent entity within the Department of Homeland Security with complete control over all of its research, constructions, authorities, and assets. Any changes to the Coast Guard’s research and development program will restrict the Service’s ability to improve methods to protect the safety and security of lives and vessels in U.S. waters and on the high seas. I urge my colleagues to support this amendment and to maintain the integrity of the Coast Guard by restoring funding for the Service’s research and development program. I thank the gentleman from Connecticut for bringing forth this amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I applaud the great work the chairman and the ranking member are doing on this bill, but also wish to express my deep concerns and ask a colleague why the ranking member is not solely devoted to the southern border but also to the northern border to stretch the resources our Customs and Border Patrol manpower has.

Mr. Chairman, I ask that the gentleman from Kentucky work with me to ensure that there is sufficient resources in the bill and in the conference report to address these issues and that it be applied not just to the southern border but to the northern border as well.

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

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the gentleman for bringing up that very important point.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the gentleman for that commitment and look forward to working with him on this through the conference report.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, in the supplemental bill that we just passed, there was $36 million that had been appropriated for the northern border which the Department was not spending, and with the cooperation of the chairman, we inserted specific language telling the Department to spend that $36 million on the northern border.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the ranking member for his commitment on this issue and look forward to working on this supplemental and other issues to ensure that the northern border remains secure.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. KING of Iowa) assumed the Chair.

A message in writing from the President was read.

Mr. SABO. Mr. Chairman, in the supplemental bill that we just passed, there was $36 million that had been appropriated for the northern border which the Department was not spending, and with the cooperation of the chairman, we inserted specific language telling the Department to spend that $36 million on the northern border.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the ranking member for his commitment on this issue and look forward to working on this supplemental and other issues to ensure that the northern border remains secure.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

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Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the ranking member for his commitment on this issue and look forward to working on this supplemental and other issues to ensure that the northern border remains secure.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

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Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, in the supplemental bill that we just passed, there was $36 million that had been appropriated for the northern border which the Department was not spending, and with the cooperation of the chairman, we inserted specific language telling the Department to spend that $36 million on the northern border.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the ranking member for his commitment on this issue and look forward to working on this supplemental and other issues to ensure that the northern border remains secure.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.
United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment; Provided further, That the Department shall report within 90 days of enactment of this Act on its enterprise architecture and other strategic planning activities in accordance with the terms and conditions specified in the House report on the 2006 budget, as reported by the Committee on Appropriations; and therefore by the Office of Inspector General.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $83,017,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLe II—Security, Enforcement, and Investigations

Border and Transportation Security

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

Salaries and Expenses

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $10,617,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

Border Management and Enforcement

For necessary expenses of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 195 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note) and for the development, deployment, and use of Free and Secure Trade (FAST), NEXUS, and Secure Electronic Traveler’s Identity Traveler’s Identity Verification (SENTRI), $411,232,000, to remain available until expended, which may include the following:

- $7,000,000 for FAST.
- $14,000,000 for NEXUS/SENTRI.
- $390,232,000 for the United States Visitor and Immigrant Status Indicator Technology project: Provided, That the funds provided for this project, $254,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—
  - (A) meets the capital planning and investment requirements established by the Office of Management and Budget, including the 2016 budget; (B) complies with the Department of Homeland Security’s enterprise architecture; (C) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (D) is reviewed and approved by the Department of Homeland Security’s enterprise information systems architecture; (E) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (F) is reviewed and approved by the Department of Homeland Security’s enterprise information systems architecture; (G) complies with the Department of Homeland Security’s enterprise information systems architecture; (H) complies with the Department of Homeland Security’s enterprise information systems architecture; (I) complies with the Department of Homeland Security’s enterprise information systems architecture; (J) complies with the Department of Homeland Security’s enterprise information systems architecture; (K) complies with the Department of Homeland Security’s enterprise information systems architecture; (L) complies with the Department of Homeland Security’s enterprise information systems architecture; (M) complies with the Department of Homeland Security’s enterprise information systems architecture; (N) complies with the Department of Homeland Security’s enterprise information systems architecture; (O) complies with the Department of Homeland Security’s enterprise information systems architecture; (P) complies with the Department of Homeland Security’s enterprise information systems architecture; (Q) complies with the Department of Homeland Security’s enterprise information systems architecture; (R) complies with the Department of Homeland Security’s enterprise information systems architecture; (S) complies with the Department of Homeland Security’s enterprise information systems architecture; (T) complies with the Department of Homeland Security’s enterprise information systems architecture; (U) complies with the Department of Homeland Security’s enterprise information systems architecture; (V) complies with the Department of Homeland Security’s enterprise information systems architecture; (W) complies with the Department of Homeland Security’s enterprise information systems architecture; (X) complies with the Department of Homeland Security’s enterprise information systems architecture; (Y) complies with the Department of Homeland Security’s enterprise information systems architecture; (Z) complies with the Department of Homeland Security’s enterprise information systems architecture.

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $347,780,000, to remain available until expended.

Immigration and Customs Enforcement

Salaries and Expenses

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,885,544,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for official reception and representation expenses; of which not less than $141,060,000 shall be for Air and Marine Operations; of which not to exceed $1,000,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which not to exceed $1,000,000 shall be for promotion of public awareness of the child pornography pipeline; of which not less
than $203,000 shall be for Project Alert; of which not less than $5,000,000 shall be for costs to implement section 287(g) of the Immigration and Nationality Act, as amended; and of which not less than $131,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens. Provided further, that none of the amounts appropriated, $50,000,000 shall not be available for obligation until the Assistant Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That the Assistant Secretary of Immigration and Customs Enforcement, with the concurrence of the Under Secretary of Homeland Security, shall submit, by December 1, 2005, to the Committee on Appropriations of the House of Representatives a plan for the expansion of the Immigration Enforcement Agents to enforce administrative violations of United States immigration laws.

[45x363]$5,000,000)(increased by $5,000,000)

amount insert the following:

tracts and alternatives to detention:

be available for obligation until the Assist-

amounts appropriated, $50,000,000 shall not

Agents to enforce administrative violations

Enforcement, the Office of Management and

enforce laws against forced child labor in fis-

Provided further,

and in cases of immigration emergencies:

as necessary for national security purposes

funds appropriated shall be available to com-

was Web-based and gave me an answer quickly. The longest wait for Instant Check that I could devise was 6 sec-

My amendment would also improve the accuracy of wage and tax report-

Employees would know after the check that they are being properly recorded at the Social Security Administration and with the im-

migration services. If there were any mistakes, they could be corrected so that employees would get proper credit for the Social Security contributions.

This amendment also protects jobs

for authorized United States workers.

By using this instant check verification program, employers can be sure that they are hiring either U.S. citizens or aliens who are authorized to work in the United States.

The program began in November 1997 with five States in a pilot program, added a sixth State in 1999, and as of December 1, 2004, this basic pilot pro-

gram has been available to employers in 50 States. The instant check that em-

ployers will take advantage of this and verify their employees. Given that Im-

migration and Customs Enforcement has the authority to sanction employ-

ers for hiring illegal workers, it only makes sense that they should also en-

ourage employers to use the free in-

stant check verification program so that employers can avoid breaking the law.

We need to reduce and weaken the jobs magnet. This is something that does that, the Basic Pilot Employment Eligibility Verification System. I call it Instant Check. The Web page is www.vis-dhs.com/employerregistration.

This amendment simply inserts $5 million and withdraws $5 million in a pro forma effort to direct that funding in a fashion that will promote the In-

stant Check program. That would be the most effective way of utilizing it. It seems to be somewhat of a trade se-

cret that employers can now verify the employ-

Check that I could devise was 6 sec-

served a point of order.

Mr. ROGERS of Kentucky. Mr. Chair-

man, I reserve a point of order on the

gentleman’s amendment.

The CHAIRMAN. The gentleman re-

serves a point of order.

Mr. KING of Iowa. Mr. Chairman, I am offering this amendment to establish how $5 million is spent with regard to the homeland security. I rise today to offer this amendment to promote participation of employers in the Basic Pilot Employment Eligibili-

ity Verification System, a program I like to call Instant Check. This pro-

gram takes the guesswork out of hiring legal employees. This basic pilot pro-

gram checks the Social Security Admin-

istration’s Department of Human Services databases using an automated system so that employers can verify the employment authoriza-

ation of all of their new hires. This pro-

gram is voluntary and is free to par-

taking employers. All an employer needs is a computer with an Internet

My amendment would make it easier for employers to hire legal workers. By using this program, employers no longer have to worry about whether the identity documents presented fill out the required I-9 form are real or forgeries. I have personally used this program and found it easy to use. It

was Web-based and gave me an answer quickly. The longest wait for Instant Check that I could devise was 6 sec-

The Clerk read as follows:

Mr. ROGERS of Kentucky. Mr. Chair-

man, I reserve a point of order.

The CHAIRMAN. The gentleman with-

draws the point of order from the House of Representatives.

The Clerk read as follows:

Mr. ROGERS of Kentucky. Mr. Chair-

man, I reserve a point of order on the

gentleman’s amendment.

The CHAIRMAN. The gentleman re-

serves a point of order.

Mr. KING of Iowa. Mr. Chairman, I am offering this amendment to estab-

lish how $5 million is spent with regard to the homeland security. I rise today to offer this amendment to promote participation of employers in the Basic Pilot Employment Eligibility Verification System, a program I like to call Instant Check. This program takes the guesswork out of hiring legal employees. This basic pilot program checks the Social Security Admin-

istration’s Department of Human Services databases using an automated system so that employers can verify the employment authorization of all of their new hires. This program is voluntary and is free to participating employers. All an employer needs is a computer with an Internet connection, which most everyone has.

My amendment would make it easier for employers to hire legal workers. By using this program, employers no longer have to worry about whether the identity documents presented fill out the required I-9 form are real or forgeries. I have personally used this program and found it easy to use. It
Mr. MICA. Mr. Chairman, I rise to raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I rise to raise a point of order against page 17 beginning with the colon on line 2 through “intent” on line 11.

This proviso violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislation on an appropriation bill in violation of those rules.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2, rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

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

Mr. Chairman, first of all, I commend the chairman and ranking member on a very difficult task. I regret that on this particular provision, as you may have heard in the Subcommittee on Aviation of the Committee on Transportation and Infrastructure want to fund even more than the 75 percent that was proposed in this particular provision of in-line systems.

Again, it was necessary to raise a point of order here. I just want to comment briefly, though, about what we are doing here and what we are not doing here. This section appropriates about $4.6 billion to continue the passenger screening and checked baggage screening system that we have. This, unfortunately, is funded through a passenger tax. It is now $2.50 and $5 maximum for a one-way ticket. It is a fee to pay the security fee.

Members and the public should be aware that right now we are running about a $2 billion shortfall. We assumed this responsibility from the airlines. In addition, the airlines had promised and testified before us that they were paying about a billion dollars and would pay a billion dollars each year if we assumed this responsibility. They have reneged in that responsibility; and last year they paid us $35 million, short some $70 million.

The Administration proposed increasing this fee by $3. I proposed increasing it by $2.50 and change this system from a heavy personnel system, in fact, some 45,000 people, an army of TSA personnel which according to the Inspector General and according to the GAO do not perform very well because they do not have the technology.

I propose to impose this fee for a 3-year period and at that point to eliminate the tax and also will the airlines in the meantime with some of their security responsibilities. Right now that has been rejected, both the fee to pay for this by the administration and my proposal. What it does is it leaves us at risk. We have a huge army doing a very poor job because they do not have a high-tech system. That is going to cost money, that money is not in the bill, and I am sad that we are going to pass this legislation.

I raise this because I still want this to be a conferenceable item because we must protect the people of this country and the flying public, and we are not doing so with this provision, and we are not financing it adequately with this provision.

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $36,000,000, to remain available until September 30, 2007.

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence activities, $315,000,000, to remain available until September 30, 2007; provided, That of the funds appropriated under this heading, $50,000,000 may not be obligated until the Secretary submits to the Committee on Transportation and Infrastructure a report that includes (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection equipment at federal facilities and airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and long-term costs; and (2) a detailed spend plan for explosives detection systems procurement and installation on an airport-by-airport basis for fiscal year 2008: Provided further, That these plans shall be submitted expediently but no later than 60 days after enactment of this Act.

UNITED STATES COAST GUARD OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of chapter 5 of title 33 (42 U.S.C. 402 note), and recreation and welfare, $5,500,000,000, of which $1,200,000,000 shall be for defense-related activities; of which $25,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative communication with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard’s environmental compliance and restoration five-year capital investment plan of chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.
ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under title V of the Servicemen’s Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation, under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000.

UNITED STATES SECRET SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of air-craft; allowances for expert witnesses; such sums as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other State or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowance for employees when on protective assignment during the actual day or days of the visit of a protective requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions; (D) $10,000,000 shall be for intercity bus security grants, which shall be distributed based on risks and vulnerabilities; Provided, That the Office of State and Local Government Coordination and Preparedness shall work with the Information Analysis and Infrastructure Protection Directorate to assess the risk associated with each port and with the Coast Guard Captain of the Port; Provided further, That funding may only be made available to those projects recommended by the Coast Guard Captain of the Port; Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

TITLES III—PREPAREDNESS AND PROTECTION

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS—MANAGEMENT AND ADMINISTRATION

For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $3,546,000: Provided, That not to exceed $2,000 shall be for official reception and representation expenses.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,781,300,000, which shall be allocated as follows:

(A) $750,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(B) $1,215,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $850,000,000 shall be for high-threat, high-density urban areas;

(B) $150,000,000 shall be for port security grants, which shall be distributed based on risks and vulnerabilities: Provided, That the Office of State and Local Government Coordination and Preparedness shall work with the Information Analysis and Infrastructure Protection Directorate to assess the risk associated with each port and with the Coast Guard Captain of the Port; Provided further, That funding may only be made available to those projects recommended by the Coast Guard Captain of the Port;

(C) $5,000,000 shall be for trucking industry security grants;

(D) $10,000,000 shall be for intercity bus security grants;

(E) $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) $30,000,000 shall be for buffer zone protection grants.

Provided, That for grants under subparagraph (A), 95 percent of the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000,000, to remain available until expended.
Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. LUTTIG. Mr. Chairman, I think I would yield to the gentleman.

Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

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

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

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Mr. ROGERS. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?

Mr. LATOURETTE. Mr. Chairman, I think the gentleman is right on point, and I think the gentleman brings up a good man, will the gentleman yield?
For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,023,900,000, to remain available until expended.

DIASystE RELIEF

That total administrative costs shall not exceed $25,000,000; Provided, further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the beginning of the fiscal year.

That fees based on a competitive and negotiated rate not to exceed 3 percent of the total appropriation.

That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $198,200,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For necessary expenses for Federal Law Enforcement Training Center, including salaries and expenses.

NATIONAL FLOOD MITIGATION FUND

For necessary expenses for Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and firefighting; travel for officials and representatives; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007, and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the beginning of the fiscal year.

PROTECTIOn

That fees based on a competitive and negotiated rate not to exceed 3 percent of the total appropriation.

That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

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That fees based on a competitive and negotiated rate not to exceed 3 percent of the total appropriation.

That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

APPENDIX

For necessary expenses for the National Flood Insurance Program, the National Flood Mitigation Fund, the National Flood Insurance Fund, and the National Flood Mitigation Fund, including payments to the Federal Home Loan Banks, to be made available until expended.

NATIONAL FLOOD INSURANCE FUND

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $653,240,000, to remain available until September 30, 2007.

NATIONAL FLOOD MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5311 et seq.), $150,000,000, to be available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis pursuant to section 203(g) of such Act (42 U.S.C. 5123(g), and notwithstanding section 203(i) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

Point of Order

Mr. SHUSTER. Mr. Chairman, I raise a point of order against, beginning with the colon on page 36, line 19, through "funds" on line 22. The CHAIRMAN. Would the gentleman state the premise of his point of order? Does the gentleman raise a point of order that the provision supersedes existing law?

Mr. ROGERS of Kentucky. Mr. Chairman, I conceed the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the provision is stricken from the bill.

The Clerk reads as follows:

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stew- art B. McKimney Homeless Assistance Act (42 U.S.C. 1131 et seq.), $200,000,000, to be available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—EMERGENCY ASSISTANCE ACT

For necessary expenses for emergency assistance activities, to remain available until expended; $40,000,000 for financial assistance under section 400 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be available until expended.

For necessary expenses for the Federal Emergency Management Assistance Act of 1970 (42 U.S.C. 5162), $567,000:

Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(5), and subsection (f), of section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5103 et seq.), $1,550,000,000 for operating expenses; (2) $660,148,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD INSURANCE FUND

For necessary expenses for the Federal Emergency Management Assistance Act of 1970 (42 U.S.C. 5162), $40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $4,000,000 shall be derived from the National Flood Insurance Fund.
work to do, and we appreciate all the great work he did in the past in building that border fence that is presently in the number one smugglers corridor in America between California and Mexico.

As the chairman knows, we have been constructing that border barrier for a number of years. In fact, I remember the days when a number of border patrolmen held a big sign up saying “Thank you, Hal Rogers” for the work that he has done. That fence has been a huge success in stopping drug smuggling, alien smuggling, lawlessness and the murders in that section of the border.

Unfortunately, the fence remains incomplete. And recently we provided the Secretary of the Department of Homeland Security with the authority passed by the full House to expeditiously construct border barriers, and I am specifically interested in that 3½ miles that remain on the San Diego border fence project.

Unfortunately, the construction account in this bill is insufficient to meet the needs of that nationally critical project, and each day that we delay this project becomes more expensive, and that is the reason that we delay, we know that people are crossing in this section of the border, many of whom have criminal records, and we are further mindful of the intelligence reports that have indicated that terrorists are seeking to use this section of the border for access into the U.S.

Mr. Chairman, we understand that the chairman’s bill provides $93 million for Customs and Border Protection construction. Can we agree to work with him to ensure that adequate funding is dedicated to this project in fiscal year 2006?

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

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, it will be my pleasure to work with the gentleman and delegation on this project.

In fact, I remember not long ago, per-haps last year, helicoptering along that fence and then getting to the gap where there is no fence and seeing the results of that. So I will be happy to work with the gentleman.

Mr. HUNTER. Mr. Chairman, I thank the chairman for his response.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM), a very important member of our delegation and a real advocate for this border fence and border security.

Mr. CUNNINGHAM. Mr. Chairman, we appreciate the chairman’s efforts and especially the efforts of his staff to increase the number of Border Patrol agents above the amount requested by the President. As he could see, Members from both sides of the aisle have spoken to this issue over and over.

I serve as a member of the Permanent Select Committee on Intelligence, and may I have his commitment to work towards achieving the target of Border Patrol agents of 2,000 authorized in the Intelligence Reform and Terrorism Prevention Act of 2005 and also recommended by the 9/11 Commission?

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I will be glad to work with the gentleman and all of our colleagues toward that goal.

In fact, between the supplemental bill that passed last week and this bill that is on the floor, if it is successful, we will have added some 1,500 new agents between now and next year. So we are getting closer to his goal.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I now yield to the gentleman from California (Mr. COX), chairman of the Committee on Homeland Security.

Mr. COX. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to commend the gentleman from Kentucky for the funding that is already in this bill that gets us to 1,276 agents, just described, and I am very pleased to hear that he is going to work with us to get to the 2,000 Border Patrol agents.

As the gentleman knows, the Homeland Security Authorization Act, which will be on the floor this week, also authorizes funding for 2,000 new Border Patrol agents in fiscal year 2006. This is the same number that was authorized in the 9/11 Commission Recommendations Implementation Act. Moreover, an important part of 2,000 new agents is the expansion of the Border Patrol training facilities.

Will the chairman work with us to ensure that the funding for these 2,000 new Border Patrol agents, who are critical to our national security, and the accompanying training infrastructure necessary to do so, will be a priority?

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, it is a priority of mine. I am delighted to hear the gentlemen who are standing with me here today all agree on this topic.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the chairman for his work for border security and for our country.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,254,597,000, to remain available until expended: Provided: The total amount provided under this heading, $23,000,000 is available to find an alternative site for the National Bio and Agrodefense Laboratory and other pre-construction activities to establish research labs to protect animal and public health from high consequence animal and zoonotic diseases in support of the requirements of Homeland Security Presidential Directives 9 and 10: Provided further, That the total amount for this heading, $10,000,000 shall be used to enhance activities toward implementation of section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193).

TITLE V—GENERAL PROVISIONS (INCLUDING RESCISSION OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the fiscal year unless expressly so provided herein.

Ms. BEAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of provisions in this bill that appropriate $110 million to the Department of Homeland Security’s research into shoulder-fired missile defense for our passenger airlines. I have been working closely with the gentleman from New York (Mr. Menendez) to address this very real threat to our passenger jets from shoulder-fired missiles.

The global black market has been flooded with hundreds of thousands of these weapons that are now in the possession of terrorist groups around the world. Al Qaeda used them in 2002 to attack an Israeli airliner in Kenya, and terrorists in Iraq came close to shooting down a DHL freight plane carrying B Agent in 2003. According to the FBI, more than 500 civilians worldwide have been killed in successful missile attacks against commercial aircraft. The State Department has stated that one of the leading causes of loss of human life in aviation has been from shoulder-launched attacks.

Our commercial aircraft passengers deserve from Congress vigilance and commitment to their safety.

Mr. Chairman, the technology to defend American passengers from this threat is almost a reality. Right now DHS-sponsored programs to apply the Department of Defense’s research and technology to our domestic passenger jets are nearing the end of their development and are ready to equip test aircraft for operational evaluation.

This research brings us very close to leveraging the proven technology that has successfully protected our military personnel to commercial aircraft and their customers. Cutting support for this program would be short-sighted at a time when we are just around the corner from a cutting edge defense against terrorists’ anti- aircraft missiles. Now is the time instead to move aggressively forward to address this threat.

The CHAIRMAN. Mr. Chairman, the President, the DHS, and the State Department all agree that this is important research with important ramifications. I urge my colleagues to support the President’s full request for funding of this research and to work together with all of us to finish the pilot phase to fully protecting our air- lines and their passengers from anti-aircraft missiles.
May 17, 2005

CONGRESSIONAL RECORD—HOUSE

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

Mr. Chairman, I want to take this opportunity to thank the chairman of the Homeland Security Subcommittee of the Committee on Appropriations. I also want to thank the gentleman from California (Mr. Cox), chairman of the authorizing Committee on Homeland Security; and the gentleman from California (Mr. Lewis), the chairman of the full Committee on Appropriations, for working out what I consider to be a good solution to this issue. In this bill the $110 million that the administration has requested for continuing both the development and deployment of MANPADS, shoulder-launched missile defense system for our commercial aircraft.

I know border protection is a very popular agenda item on the populace front, but I think folks send us to Congress not only to protect our borders and deal with the populace issues in putting resources where public opinion and popular opinion would have those dollars, but also to look at the risks and the threat. Today, we face the threat of someone walking through the 950 metal detector technology at our airports which we see across the country, metal detectors, and strapping explosives to their body and not being able to detect explosives. That is our number one threat right now is suicide bombings, and that is the number two greatest threat is a shoulder-launched missile.

Now, folks, we have been very fortunate to date in Kenya and Saudi Arabia and Iraq that we have not had a commercial airline with passengers taken down. I think our luck is about to run out, and it is important that we move forward.

Sometimes the administration, that is my administration, has not done everything it can to prevent this. None of the few programs I may say in homeland security that was well thought-out, well-developed, and now the next part is deploying that technology. If, in fact, there is money left over and it is not expended in the program, and that would be my hope, I would support every additional dollar to go towards those priorities this subcommittee has developed for securing our borders.

But I do want to thank everyone for reaching this agreement; hopefully, moving forward in the conference committee, and making certain that we have the resources to protect us, again, against what I consider is our second greatest danger, and that is the danger of a shoulder-launched missile taking down a commercial aircraft. We have to have a system available to protect our aircraft.

The Acting CHAIRMAN (Mr. Shimkus). The Clerk will read.

The Clerk read as follows:

S. 509. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and/or advanced law enforcement training at all facilities, to be used for the purposes of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives for training which cannot be accommodated in existing Center facilities.

S. 511. None of the funds in this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

S. 512. Funding for the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS) in fiscal year 2006 shall be reduced by $100,000 per day for each day after enactment of this Act that the TSA does not provide 100 percent of the facilities for which TSA is required to provide under the Public Law 108–276 to include representatives from the non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

S. 508. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

S. 506. None of the funds provided by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

S. 503. None of the funds available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

S. 502. None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) increases the obligations of a program, project, or activity; (2) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (3) reduces funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) provides for use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; or (5) contracts or obligates for any purposes for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

S. 501. None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

S. 494. None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

S. 520. None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived from any moneys made available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

S. 487. None of the funds available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.
None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1438).

SEC. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 of January 14, 1984, or to pay the salary of any employee serving on a temporary or term basis until the Government Accountability Office, the Bureau of Immigration and Customs Enforcement, the Department of Labor, the Department of Justice, and the Department of Homeland Security have issued a report to Congress on the competitive bidding of government services performed by the Department of Homeland Security. Provided, That none of the funds available in this Act or otherwise made available pursuant to paragraph (5) of such section may be used by any person other than the Director of the United States Secret Service, or the Director of the Secret Service, or the Director of the Immigration and Naturalization Service, to pay the salary of any employee serving on a temporary or term basis until the Government Accountability Office, the Department of Labor, the Department of Justice, and the Department of Homeland Security have issued a report to Congress on the competitive bidding of government services performed by the Department of Homeland Security. Provided further, That the amount of funds available in this title for hire purchase or lease of property, which amount may include funds available under fiscal years 2004 and 2005, of the largest public accounting firm not exceeding $200,000,000,000 available in this Act shall be used to pay the salaries of more than the privacy officer appointed pursuant to title 31, United States Code.

SEC. 521. None of the funds available in this Act may be used to merge the United States Secret Service into the Department of Homeland Security, to transfer the United States Secret Service to the Department of Homeland Security, or to merge the United States Secret Service into the Department of Justice. Provided, That none of the funds available in this Act or otherwise made available pursuant to paragraph (5) of such section may be used by any person other than the Director of the United States Secret Service, or the Director of the Immigration and Naturalization Service, to pay the salary of any employee serving on a temporary or term basis until the Government Accountability Office, the Department of Labor, the Department of Justice, and the Department of Homeland Security have issued a report to Congress on the competitive bidding of government services performed by the Department of Homeland Security. Provided further, That the amount of funds available in this title for hire purchase or lease of property, which amount may include funds available under fiscal years 2004 and 2005, of the largest public accounting firm not exceeding $200,000,000,000 available in this Act shall be used to pay the salaries of more than the privacy officer appointed pursuant to title 31, United States Code.

SEC. 522. The Secretary of Homeland Security shall develop screening standards and protocols to more thoroughly screen all types of air cargo on passenger and cargo aircraft by March 1, 2006. Provided, That the amount of funds available in this Act for hire purchase or lease of property, which amount may include funds available under fiscal years 2004 and 2005, of the largest public accounting firm not exceeding $200,000,000,000 available in this Act shall be used to pay the salaries of more than the privacy officer appointed pursuant to title 31, United States Code.
than sixty Transportation Security Administration employees who have the authority to designate documents as Sensitive Security Information (SSI). In addition, $10,000,000 is not available for the Department-wide Office of Security until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) the titles of all department-wide SSI documents designated as SSI; (2) Department-wide policies on SSI designation; (3) Department-wide SSI designation auditing policies and procedures; and (4) the total number of staff and offices authorized to designate SSI documents within the Department.

Sec. 535. None of the funds appropriated by this Act may be used to change the name of the Coast Guard Station “Group St. Petersburg”.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 55, line 25 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The Acting CHAIRMAN. Are there any points of order against any pending portion of the bill?

If not, are there any amendments to this portion?

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDO:

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

Sec. 536. None of the funds appropriated or otherwise made available in this Act may be used to change the name of the Coast Guard Station “Group St. Petersburg”.

Mr. SABO. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Minnesota (Mr. SABO) reserves a point of order.

Mr. TANCREDO. Mr. Chairman, my amendment would prevent State and local governments who refuse to share information with Federal immigration authorities, police departments often stop and/or arrest criminal aliens time and again, only to release them without ever having checked their immigration status. As a result, instead of being deported, these aliens move on to commit other crimes. That is why the city of Denver, for example, one Denver policeman was killed and another severely wounded by an illegal alien who had come into contact with police in Denver at least three times prior to the incident. He remains at large. Another illegal alien in the Denver area who is now awaiting trial for a hit-and-run killing of a man, and he had been arrested, by the way, six times since 1996 and even spent time in jail in Boulder, Colorado, a sanctuary city, by the way; yet, because cooperation between police departments and Immigration and Customs Enforcement was restricted, he was never reported. He goes on trial in July.

The city of Denver, like many other cities, has a sanctuary policy that violates Federal law. Their police manual explicitly prohibits officers from initiating actions whose objective is to “discover the immigration status of a person.” The manual also prohibits police from detaining or asking any enforcement action against a person “solely because he or she is suspected of being an undocumented immigrant.” These two components of city policy not only prevent police from communicating with immigration authorities as required by Federal law, the policy prohibits them from obtaining basic information that might be central to their investigation. The policy sends a clear message to local police when they encounter illegal aliens: don’t ask, don’t tell. That kind of policy violates both the letter and intent of the 1996 law.

My amendment would put an end to this practice by cutting Federal funds to States and localities that have made an affirmative choice to violate Federal law. In essence, the amendment simply says that if you make a choice to violate Federal law, then you are making a choice to forego Federal funds. It is a choice I think that few cities are willing to make.

Mr. SABO. Mr. Chairman, under my reservation, would the gentleman yield?

The Acting CHAIRMAN. Does the gentleman insist on his point of order?

Mr. SABO. Mr. Chairman, I will continue to reserve my point of order, and I move to strike the last word.

Mr. Chairman, I would like to have the gentleman explain the amendment to me. What is it that somebody at the Federal level has to do?

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

Mr. SABO. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, at the Federal level a determination would be made as to whether or not a city has the policies that we have just identified; and if so, then that city would be prohibited from obtaining Federal funds under this act.

Mr. SABO. Mr. Chairman, reclaiming my time, who would make this determination?

Mr. TANCREDO. The Department of Justice, the Department of Homeland Security. It is really not up to me to make that decision.

Mr. SABO. How would they know how to make this judgment?

Mr. TANCREDO. Many of these policies are on record; in fact, all of them are on record throughout the country. They are easily obtainable and observable.

Mr. SABO. How would they proceed to make this judgment?

Mr. TANCREDO. Mr. Chairman, if they can read, they can make the judgment.

Mr. SABO. Are all these laws filed with the Justice Department and the Department of Homeland Security?

Mr. TANCREDO. Well, they are certainly in the files; and indeed, every single person in the Department of Justice and Homeland Security because they are printed. These are all laws and/or executive orders. This requires no new determination.

Mr. SABO. So they know today?

Mr. TANCREDO. Absolutely.

Mr. SABO. If any town is doing this?

Mr. TANCREDO. Yes, sir.

Mr. SABO. Is there some registry of that?

Mr. TANCREDO. Well, as I have just explained, in city after city, and, in fact, not too long ago if memory serves me right, the State of Maine actually declared itself to be a sanctuary State. These are not things that are hidden from anybody. These are, in fact, on the books in States in their localities to which we refer. The stuff I used here came right out of the Denver police manual. These are not hidden from anybody.

Mr. SABO. Mr. Chairman, I know they are not hidden, but somebody has to tell us, who is it? How many endless grants they are making. The departments make an endless number of grants, and some of them flow to the States which then flow to local governments. In other cases, some go directly to ports.

Mr. TANCREDO. Mr. Chairman, if the gentleman will yield, perhaps the gentleman’s concern goes back to the law.

What I am talking about is adding a penalty to the law. The law is on the books; I am not creating law here. The law is a Federal law; it was passed in 1996. The only thing we are doing is adding some sort of penalty to the violation of the law. So the fact that we have had it now for almost 10 years, it seems to me that we are not creating any new problem for any of these departments, and if the gentleman is concerned about the law itself, then that is where he should perhaps address his concerns.

POINT OF ORDER

Mr. SABO. Mr. Chairman, I make a point of order.
The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. SABO. Mr. Chairman, I think, clearly, as the author of the amendment says, he clearly is legislating on an appropriations bill and, therefore, violates the rule of rule XI. By his most recent statement, he is expanding penalties for the existing law.

The Acting CHAIRMAN. Does anyone else wish to be heard on the point of order?

Mr. TANCREDO. Mr. Chairman, once again, we are not expanding the law in any way, shape, or form. We are simply applying a penalty. That does not expand the law.

The Acting CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule.

The language of the amendment merely requires the Federal official administering these funds to comply with Federal law. A new duty is not required on the face of the amendment. Therefore, the point of order is overruled and the amendment is in order.

Mr. SABO. Mr. Chairman, I rise in opposition to the amendment.

This is an amendment I think we voted on several years ago, in some variety of it.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota strikes the requisite number of words.

There was no objection.

Mr. SABO. Mr. Chairman, I have no idea what the full impact of this amendment will be. We voted on it, I think, in the last 2 or 3 years. I think generally it has lost by a significant number of votes. What its impact on local governments is, I think is unpredictable. There are hundreds and thousands of different local units of government, potentially receiving aid under this bill, which we would cut off because of our failure to give some information to the Federal Government.

I just think it is a totally wrong focus on what our problems are in this country. We have real problems with immigration. The real problems relate to how we deal with our borders. The real problem deals with how we deal with undocumented people in this country who have violated criminal laws of this country.

And to start harassing every unit of government for small, depending on what information they send to the Federal Government, trying that to be eligible for funding to deal with basic homeland security in this country, I think is just a serious mistake. I would hope the House would reject it.

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the amendment being offered by Congressman TANCREDO. The amendment does not only target victims of crime, it is dangerous to the very security of our homeland. The amendment coerces state and local police officers to step into the role of federal immigration agents. And if they do not assume this responsibility—they are punished.

I ask—who benefits from such a system? Does such a system mean safer streets? No. As the son of a New York City police officer, I am very aware of the importance of trust between local police and the communities they serve. If an immigrant fearing to talk to police—there will be fewer reported crimes, fewer witnesses offered information, and more dangerous streets for all of us. Does this amendment mean better national security? No. Under this amendment, foreign nationals who might otherwise be helpful to security investigations will only be more reluctant to come forward. Does this amendment mean better communication between localities, states, and the Department of Homeland Security? No.

Cities with these quote-unquote “sanctuary policies” are already often the ones who communicate with DHS most regularly—to deal with foreign nationals who have committed crimes.

Does this amendment mean crime victims will be better protected? Sadly, no. Crime victims who unfortunately happen to be immigration will fear their immigration status might be called into question, and will avoid stepping forward to seek justice. Who benefits from this amendment? People who don’t like immigrants and people who mean our country serious harm. Instead of working to support the efforts of state and local police. Instead of working to make reasonable improvements to our immigration system. Instead of state and local governments being able to decide which policies allow them to best “serve and protect” their communities. Instead—we get an amendment that pushes people further underground, leaving our cities even more vulnerable to terrorists and dangerous criminals.

I urge a “no” vote on this amendment.

I urge a “no” vote on this very un-American and very dangerous amendment.

The Acting CHAIRMAN. (Mr. SHIMKUS) The question is on the amendment. I rise in opposition to the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. SABO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

Amendment No. 2 Offered by Mr. Tom Davis of Virginia

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 Offered by Mr. Tom Davis of Virginia:

At the end of section 516, add the following:

Provided further, that this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 80 U.S.C. 435b) and the entity selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

Mr. TOM DAVIS of Virginia. Mr. Chairman, there is a very serious government-wide backlog of security clearance investigations which has caused unacceptable delays in the process. This threatens national security, and it costs taxpayers a lot of money. Because there are so few security clearances and so much work to do, we are overpaying people because of the work. It is just the law of supply and demand.

This backlog is the result of poorly designed management structures and a lack of clearance reciprocity. As a result, the Committee on the Intelligence Reform, which I chair, held a hearing, and we authored legislation that was included in the 911 Act to address the structural problems that plague the security clearance system throughout the government.

Given the longevity of this problem, it is understandable that government agencies and Congressional committees have sought out their own ways to try to avoid bottlenecks in clearance processes.

Section 516 of this bill is just such a work-around. It gives DHS the authority to continue to conduct clearance investigations for itself because government-wide it continues to be very dysfunctional.

The 911 Act reforms addressed the managerial chaos that has plagued security clearance policy by creating a new oversight authority for all Federal security clearance policy. Although it is an oversight authority, it is unlikely to grant a number of agencies the authority to continue to conduct their own investigations, it will also be responsible for developing and enforcing consistent standards for investigations across government. We need to give it a chance to do that.

Under this amendment, the Congressionally mandated oversight authority will be responsible for ensuring that investigations for DHS security clearances are done in the most timely and efficient manner; that the 911 Act reforms take effect, once they take effect. This will keep us on the path to security clearance process reform for all agencies and safeguard both national security and the pocketbooks of the American taxpayer.

I would ask all Members to support this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?
gentleman has brought forth a very important matter, and it is a matter that he, as chairman of his authorizing committee, has worked with us and our staff over the last several weeks very admirably, and I appreciate the willingness of the chairman to work with us in this, and we were happy to work with him.

So I am prepared to accept the amendment, with the congratulations to the chairman, and thanks for his great respect.

Mr. TOM DAVIS of Virginia. Reclaiming my time, Mr. Chairman. I want to thank the gentleman from Kentucky (Mr. ROGERS) and I want to thank the minority for working with us. I understand their frustration.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, it is a good amendment. Hopefully we will adopt it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask Members to support the amendment.

The Acting Chairman. The question is on the amendment offered by the gentleman from Virginia (Mr. Tom Davis).

The amendment was agreed to.

Mr. MICA. Mr. Chairman, I move to strike the last word and engage in a colloquy with the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. Chairman, again, I want to express my gratitude to the chairman of the Appropriations subcommittee, the gentleman from Kentucky (Mr. ROGERS), who has done such a great job on this H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006.

As you know, I had planned to raise a point of order on section 524, which directs the Secretary of Homeland Security to fund a security plan to permit general aviation at Ronald Reagan National Airport as legislating on an appropriations bill. However, I did not do that because I think we share the same intent.

And the gentleman from Kentucky (Chairman ROGERS) has put a provision here in section 524 that does require a plan. However, I think the chairman is aware and realizes that the committee bill passed, that is, the Committee on Transportation and Infrastructure, in our Subcommittee on Aviation’s work done on it, H.R. 1496 has even tougher language directing the opening of Ronald Reagan National Airport. That is our intent, and working with the appropriators, I believe that it will be your intent to also to adopt a strong provision and directive provision in conference, or as this bill proceeds.

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

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. POE

At the end of the bill, before the short title, insert the following (and conform the table of contents of the bill accordingly):

Sec. 509. None of the funds made available under this Act may be used to carry out section 105(a)(4) and (5) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 14810(a)(4) and (5)).

Mr. Chairman, first of all, I applaud the chairman for this bill to better protect America. I would, however, like to highlight an unfunded Federal security mandate on the already struggling airline industry. The airline industry is an important sector of the American economy, with increasing fuel costs and taxes, though the industry lost $9.1 billion last year alone and has lost $32 billion since September 11, 2001.

Currently taxes and fees comprise 26 percent of an average $200 airplane ticket. While the Federal Government has taken over much of the security for airlines after the terrorist attacks of September 11, airlines are still paying $1.4 billion to the Federal Government each year, a $312 million in unfunded security mandates, such as catering security, security for checkpoints and exit lanes, and first flight cabin sweeps.

The people loading the peanuts, for example, the airlines are forced to expend $81 million on not only their salaries, but the security checks on these caterers, the people who mark your ticket up with the red crayon at the checkpoint and exit lanes. Airlines, not the government, dispense $79 million on these folks, and the first class cabin sweep crew that examines the plane prior to boarding, the people who check for bombs in the bathrooms, airlines pay $26 million for them. Perhaps the most and largest unfunded mandate, however, is the Federal Air Marshal Service, which costs the airlines $195 million each year.

Under current law, Federal air marshals are permitted to fly without a seat at full fare. Moreover, Continental Airlines, for example, the carrier based out of Houston, Texas, part of which is in my congressional district, loses between $7 and $9 million in displaced revenue annually. This estimate reflects losses not from being able to sell two seats, but the marshal's seat at full fare. Moreover, Continental will pay the Department of Homeland Security $239 million in taxes in 2005 and is currently paying another $312 million in unfunded security mandates. So my amendment would simply prohibit funds being spent in the bill to support this unfunded Federal security mandate that allows the Federal Air Marshal Service to fly for free. The Federal Government has deemed aviation security a national security issue, and I think it is. It is only fair that the government fully assume these costs, and not saddle them on the airlines.
In fact, at least two laws signed in the past two sessions have provisions that support Congressional intent for the Federal Government to reasonably pay for aviation security costs. Both the Aviation and Transportation Security Act and Vision 100, the Century of Aviation Act, authorized funds for reimbursement of airport security mandates.

The Poe amendment preserves the ability of Federal air marshals to fly on our airlines, protect our passengers and crew, but it would allow the carriers to charge the government a fare. Airline like Continental support this amendment because it would enable them to collect a minimal fare, the government fare or the lowest fare available upon booking for Federal air marshal seats.

Mr. Chairman, some may argue that it is the airline’s responsibility to provide for security, and they are partially correct. Already airlines cough up seats to comply with Federal regulations. The Federal Airline Administration reports that full deployment of hardened cockpit doors meeting outlined specifications have been implemented on about 10,000 passenger airlines and foreign aircraft flying to and from the United States. Expenditures on video monitors and other devices to alert pilots to cabin activity as well as guns in the cockpit are just a few of the other efforts undertaken by the airline industry, all of which contributes to the hundreds of millions of dollars they incur in unfunded Federal security mandates.

We must bring some relief to these carriers by reducing these unfunded Federal mandates that they are expected to pay out of their pocket. I urge my colleagues to help preserve this vital industry and start by supporting my amendment to allow airlines to collect the minimal government fare on seats filled by Federal air marshals.

Mr. Chairman, we have 50,000 employees in the Transportation Security Administration, and they make it safe to fly on airlines. The United States Government is paying the bill.

We have hundreds of millions of dollars worth of x-ray machines that we have put in every airport in the country to be sure that the people flying on the airplanes are safe. Uncle Sam is paying the bill.

I could go on. The airlines requested that we have marshals on board airplanes so they can say it is safe to their customers for flying on airlines. Uncle Sam pays.

The law says that if we put these marshals on airplanes that the airline will pay their fare or not charge the fare. It does not cost the government anything to do it because it is a service that we are providing. And who pays the salaries of the marshals? Uncle Sam.

Now, they come and say, oh, but you have got a man from Minnesota for this air marshal, protecting your plane, to fly on your plane? Give me a break.

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

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

Mr. SABO. Mr. Chairman, I will give the gentleman a break. I totally agree with the gentleman.

The biggest benefactor of all the airline security is the airline industry. Something happened post-9/11. We had to provide billions of dollars to loan guarantees to keep them operating.

I find this amendment sort of unbelievable that the airlines would want us to do this. I totally agree with the gentleman. This amendment should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

First of all, Mr. Chairman, I think one of the assets or structures that we have on the floor is a Member’s good intention; and my colleague from Texas, I want to acknowledge his good intentions. I would hope that we would have an opportunity to work through the concern expressed here.

But I rise to express my support for the U.S. air marshals and the hard work or heavy lifting that they do on the Nation’s airlines every single day and in the Nation’s airports. They are not supposed to be noticed, but those of us who happen to be frequent fliers are aware of their service, and they are ready and prepared on some of the more difficult flights that we have, coming to certain regions in the United States.

I would only hope that as we debate this amendment in the midst of fees and expense that I know is borne by our airlines, that we think about the service of these men and women in particular that confront dangers on our behalf on the Nation’s airlines.

So I stand with the gentleman’s amendment because I stand in support of the air marshals, and I would hope that there could be some response to the cost, some way of adding or eliminating the burden that our airlines face; but I could not imagine us suffering the loss of these air marshals which we determined were important to us after 9/11. Even though we have given enhanced equipment on airlines, more training to pilots, we are attempting to train our airlines or fight getting pilots this year than we will have air marshals. They are not getting a darn penny for reimbursement.

I would hope that our colleagues would support the amendment, and I would ask that they support the air marshals in this instance because I believe their work is extremely important.

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

The gentleman from Texas, I am sure, has an excellent intention and is interested in helping the airlines. Some of them are struggling, and we do need to help the airlines; but sometimes the airlines do not even help themselves.

I would rise in strong opposition to this amendment. There is probably no economic activity that we support in this country more than our commercial airlines. The chairman has correctly pointed out, 4.5, almost $6 billion in this legislation is for passenger screening, of which we only collect less than half of that. We have a $2 billion-plus shortage that the general taxpayer is paying.

If this amendment was crafted so that we charged the airlines, putting the air marshal on, I might agree with my colleague because we have a shortfall.

I also stated earlier, the airlines came before the Subcommittee on Appropriations, of which I am the ranking member, and pledged to pay it $1 billion. That is what they said they would pay if we took away from the airlines, who had that responsibility, the responsibility for passenger screening. Do my colleagues know what they paid last year? Let me repeat it again, $315 million, a shortfall of almost $700 million. So I will be darned if I am going to stand here and support an amendment that would in any way reimburse them for the great expenses.

The event of last week. Not only do we have the apparent expenses; we spent some $20 billion on passenger screening on a system that I have great questions about, but we have also spent billions of dollars in training the pilots to be armed. I supported that program. I promoted that program; but most of those pilots do not go at airline expense. They go at their own expense, spend a week of their time. They are not reimbursed; and now we will have pilots training this year than we will have air marshals. They are not getting a darn penny for reimbursement.

So, again, I think we have gone over backwards. We spent $5 billion we appropriated for reimbursements, for damages directly related to the events of September 11 to our major airlines. We gave them another $3 billion. Some of that they deserve; some of that they did not deserve in reimbursement. Then we set up a $10 billion loan guarantee fund, which the Treasury used about $2 billion; but we have done everything, and now they refuse to do anything to help us.
They cannot even collect an additional fee. They are collecting $2.50. If I said we put in a high-tech system, that would double the security fee but get rid of half of the screeners in 3 years, and allow them to keep all $300 million, they are now paying up and have a half a billion dollars. They cannot even do the math to keep that money. So I will be darned if I will get up and support giving them one more penny when they will not pay their own fair share.

So I think the amendment is well intended. I salute the gentleman for trying to help the aviation industry. I will join with him, but this is not the vehicle; and it is not the reimbursement that we should be providing in this appropriations measure.

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

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. Poe. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. Poe) will be postponed.

Amendment offered by Mr. MEEKS of New York

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEKS of New York:

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

SEC. 536. None of the funds appropriated or otherwise made available in this Act may be utilized by ICE and its predecessor, INS, since 1989. Located within 4 miles of John F. Kennedy International Airport, the facility houses and processes detainees until their status can be determined. ICE oftentimes cannot properly classify a person as high risk until the initial questioning at John F. Kennedy Airport. Only after an investigation, while the individual is detained, can ICE determine whether the individual poses a threat. If it is determined that the individual is a high risk, they are transferred to a more secure facility for follow-up.

For example, a co-conspirator in the first World Trade Center bombing slipped through ICE’s initial questioning at JFK and was subsequently identified by Queens detention facility personnel as a high-risk individual after they discovered bomb-making plans on this individual. Consequently, many high-risk individuals slip through ICE’s system initially and are only later identified as high-risk while they are in custody at the Queens detention facility.

In a recent correspondence, my colleagues and I contact New York City urged the director of ICE, who may become our city’s next U.S. Attorney, to halt its efforts to close the only secure noncriminal detention facility in New York City. We know this is New York City’s first line of defense because any noncriminal detention facility in the United States tomorrow; and in this day and age in which we currently live in, we have got to make sure that we are sure that individuals who have entered this country illegally, those who entered this country illegally, that we may have detained, we have got to dot every I and cross every T to make sure we rely on no one to slip through the process.

So to just close what is happening at this facility now, right next to JFK in my district, to just close it in the manner in which they are closing it, just releasing people on the streets, at times we talk about how are we communicating with the individuals that are actually being detained by telephonic measures, not even by ankle bracelets or anything else. It endangers the entire population of New York; and I say if it is New York City today, it could be anywhere in the United States of America tomorrow.

So I ask and urge my colleagues to support this amendment which will ensure that this essential facility which serves a vital role in New York City, as well as the country’s first line of defense, remain open.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 3 minutes.

This amendment unnecessarily limits ICE’s ability to efficiently manage the limited detention bed space that it has. The fluid nature of enforcement actions by ICE and changing migration patterns around the country mean that demands for detention space across the country changes from day to day, week to week, month to month, year to year. This bill stresses efficiency and maximizing our limited resources. This amendment would prevent ICE from closing inefficient or unneeded facilities.

This bill already requires a report from the Department on its detention management strategy; and unless we see the result of that report, I think this amendment is premature.

We do not like to handcuff an agency without having all of the relevant information on the issue; but I would hate to see us say to ICE, you cannot close any facility ever because it changes the migration patterns of illegal immigration changes from day to day.

So I would urge that we defeat the amendment.

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

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that what we are looking at right now, the situation where ICE is moving in my district, in this particular facility and the next clearly in the immigration pattern in New York is one where it is very high, coming through John F. Kennedy, which is the gateway to America, if you will.

So when we have a facility like the facility that is currently in the district, to close it with no reason or reason, then I think that we are defeating ourselves and defeating the security that is necessary to prevent people who enter this country illegally, some who could be very dangerous, from just walking the streets of the City of New York.

Mr. MEEKS of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. MEEKS) will be postponed.

Amendment offered by Mr. TIAHRT

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

The Clerk read as follows:

Amendment offered by Mr. TIAHRT:

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

SEC. 505. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

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

Mr. TIAHRT. Mr. Chairman, I believe that the content of this amendment...
Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

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

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman has brought up a very important point, and I would be delighted to work with the gentleman. He is a valued member of our committee and, on top of that, he is a very hard worker. So I would be happy to work with the gentleman.

Mr. TIAHRT. Mr. Chairman, I thank the chairman for those good words and, hopefully, through the effort of our combined work we can make sure we do not have any overly burdensome regulations.

Mr. Chairman, I ask unanimous consent to strike out the amendment.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, am I correct in my understanding that we are cutting $25,000,000 from the Immigration and Customs Enforcement budget, which is authorized by the REAL ID Act, which the Congress attached as a nongermane amendment to the Immigration Reform bill.

Mr. Chairman, the gentleman has brought up a point of order on the gentleman from Texas.

Mr. POE. Mr. Chairman, I ask unanimous consent to withdraw my amendment for a recorded vote on my amendment No. 10 to the end that it stand rejected by voice vote thereon.

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

There was no objection.

Mr. Chairman, I offer an amendment. The Acting CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Amendment offered by Mr. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY at the end of the bill (before the short title), insert the following:

Section 104. (a) The amounts otherwise provided in this Act for the following accounts are hereby increased by the following sums:

1. "Customs and Border Protection—Salaries and Expenses", $2,000,000,000.
2. "Customs and Border Protection—Construction", $25,000,000.
3. "Immigration and Customs Enforcement—Salaries and Expenses", $2,000,000,000.
4. "Federal Law Enforcement Training Center—Salaries and Expenses", $9,000,000.

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

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

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, if this is the REAL ID Act with tax offset amendment, I reserve a point of order on the gentleman’s amendment.

Mr. OBEY. Mr. Chairman, let me explain what this is. We have had a steady stream of Members for weeks now decrying the fact we just do not have enough resources to do the job we thought to be doing in homeland security or in transportation or in education or in health care or any other endeavor of the Federal Government. The fact is that we do not have those needed available resources because the Members of this House have put themselves in a box. They have done that only by, in essence, saying that their number one priority above all others is to provide very large tax cuts for people very high up on the income scale.

Example: This year if you make over $1 million you will get, on average, about a $140,000 tax cut. What I am trying to do here today is to do two things: One, try to help the Congress keep the promises it has just made 6 months ago. Therefore, this amendment would provide an additional $500 million to the Department of Homeland Security to meet the states and detention increases that were called for in the Intelligence Reform Act and to allow States to meet the driver’s license standards that were just imposed on those States by this Congress 2 weeks ago.

So my amendment is simple. First of all, it adds 500 more people to the Border Patrol. Second, it adds 600 people to the immigration inspector workforce. And thirdly, it adds 4,000 more detention beds so that we can keep the promises laid out in the Intelligence Reform bill.

Finally, we would fund the grant program that is authorized by the REAL ID Act, which the Congress attached a couple of weeks ago. I did not support that act. I did not vote for it. It was attached as a nongermane amendment to the appropriations bill. But we are told by the Congressional Budget Office it was about $2.5 billion so we would fund the money that is authorized in that appropriation. We are told by the Council of State Legislative Leaders it will cost $500 million to implement. That is a huge mandate however you slice it that we are laying on the backs of State budgets.

So what I am simply suggesting is we can do both of these things by simply scaling back by a tiny amount that super-sized tax cut for people with super-sized incomes of over $1 million. We would simply cut that average $140,000 tax cut to $138,000, and we would have more than enough to fund these operations.

The Committee on Rules did not allow this amendment to be made in order. That means that the only way it can be considered is if no one raises a point of order against it. I would hope they would not do so. This is a minor adjustment that we would make in the super-sized tax cuts in order to provide significantly more security for the entire country. I think it is worthwhile the investment, and I would urge support for
the amendment, assuming that no one decides to lodge a point of order against the amendment.

POINT OF ORDER

Mr. ROGERS of Kentucky, Mr. Chairman, I make a point of order against the amendment because its proposes to change existing laws and constitutes legislation on appropriations bills and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part “an amendment to a general appropriation bill shall not be in order if changing existing law.”

This amendment changes the application of existing law, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I must concede that under the rule that brought this bill to the floor, this amendment is not in order. I regret it. I think the country would be a whole lot better off if we passed the amendment at the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

Secretary for Border and Transportation Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109-13, div. B) to assist States in conforming with minimum drivers’ license standards there is hereby appropriated; and the amounts otherwise provided by this Act for management amounts otherwise provided by this Act for the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109-13, div. B) to assist States in conforming with minimum drivers’ license standards there is hereby appropriated; and the amounts otherwise provided by this Act for management.

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

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

There was no objection.

Mr. ROGERS of Kentucky, Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided between the proponents and myself, the opponent.

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

There was no objection.

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

This is a scaled-back version of the first amendment I just offered. It does not have the tax offset. It is fully offset by other reductions in this bill, and what it tries to do is to correct the problem that I cited just a moment ago.

Just 2 weeks ago, this House passed a nongermane proposal which established an unfunded mandate of $20 million or the good faith effort of the National Conference of State Legislative Leaders is correct when they say that the unfunded mandate will amount to about $500 million in cost. But for the moment, in deference to my friends on the other side of the aisle, I am assuming the conservative estimate of cost is the accurate one, the one laid out by the Congressional Budget Office.

So I am simply urging that we in fact provide for the States grant program that was authorized in that REAL ID proposal that the majority was so anxious to bring to the House floor just 2 weeks ago. We in the minority had nothing to do with the writing. We in the minority were not consulted on the language. We in the minority were not consulted about the idea of imposing another mandate. We were just told “take it or leave it.” And so it is now the law of the land.

Now, I am not in any way reducing accounts below last year’s funding level. All we are doing is reducing some of the Secretary’s management accounts by a portion of the increases that this bill provides.

The science and technology account, for instance, is being reduced by $50 million of the $55 million increase. That still leaves a small increase.

The Office of Secretary Executive Management will still retain a $7 million increase.

I think we have hard choices to make, and I am not afraid to suggest that I think it is a better use of resources to put this money where the amendment tries to put it to at least keep the majority consistent with its promise in the Contract With America, the promise in the Contract With America which Congress passed 10 years ago and promised that there would be no more unfunded mandates.

I am just trying to help keep a Republican promise, and I am sure I will have enthusiastic support of Members on the majority side of the aisle.

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

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

The Acting CHAIRMAN (Mr. SHIMKUS). The gentleman from Kentucky (Mr. ROGERS) is recognized for 10 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, no ones knows at this point in time what this is going to cost. We only passed it 2 or 3 weeks ago. No one has any idea at this point in time what it is going to cost us or States or locals or whatever. I think it is premature at this point in time to take up this amendment. At some point in time during this year before we go to conference, we are probably going to have to deal with this question. But there is just nothing there to give us any idea. Estimates run from $5 million to $100 million, depending on who is asked.

The REAL ID Act authorized such appropriations as necessary to help States make their driver’s licenses and other documents more secure for ID purposes. But there has been no time, as I have said, to fully assess the funding required in the first year of the program. DHS is not prepared to move forward quickly. I think the $100 million is absolutely premature. The CBO estimate is only $40 million in fiscal year 2006, not $100 million. The committee has not seen any of the estimates from the associations of Motor Vehicle Administrators which probably knows more about this issue than anybody.

There already exists certain interstate driver’s license databases which perhaps could be used and save money which operate on the basis of multistate compacts. These systems currently in existence should be examined to assess their potential to expand or serve as models for a nationwide database. It may be that many costs assumed in the CBO estimate can be avoided by leveraging these systems. We do not need to reinvent the wheel.

And then, Mr. Chairman, the offsets the gentleman’s amendment would cut into are very undesirable. Cutting these programs would be very unwise. The IAIP agency has already been reduced $11 million for failure to submit reports to the Congress. Any further reduction could impact information sharing with State and local agencies conducting vulnerability assessments and construction and renovation of space for the directorate.

A cut to Science and Technology may have a direct linkage to the success of other programs. For instance, a cut to the Office of Interoperability and Communications can greatly impact the effectiveness of resources spent on first responder grants. In every war effort, it is easier to fund soldiers than science because what soldiers do is obvious. Science is not. However, the development of the tank in World War I and the development of the atomic bomb in World
Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, what are we doing is reducing the increase in the amount of money that is in this bill for consultants.

Mr. SABO. Mr. Chairman, I thank the gentleman.

I am just afraid we are doing another miniature No Child Left Behind in this law that we passed a couple of weeks ago. It is the Federal Government again deciding how the States should run something that States have historically done. States have historically issued driver’s licenses in this country. So now wise people in Washington are now telling them how to do it. Again, we are not going to pay them money to do it. Then we have all kinds of requirements that may or may not make sense. They make sense to somebody who sits down here and writes law who, I don’t know who ever administered the issuing of driver’s licenses in any State.

Sort of a repetition again in miniature scale of what we did in No Child Left Behind. I think that is a law which is fraught with troubles throughout the country. This is much smaller in scale, but we are repeating the same thing that we did in that law. I think it is a mistake. I think it is going to complicate life immensely for the States except as authorized by law.

At the end of the bill (before the short title), insert the following: SNC. 336. None of the funds appropriated or otherwise made available by this Act may be used to patrol the border of the United States except as authorized by law.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment. The Clerk read as follows: Amendment offered by Ms. JACKSON-LEE of Texas:

As the gentleman from Minnesota (Mr. SABO) pointed out, this amendment is simply asking the Congress to stick to its promise in the Contract With America, to not provide any more unfunded mandates. What we are saying is on this side of the aisle, we did not vote for this turkey, but it is now law; and given that fact, we ought to at least make sure this does not wind up on the backs of the States and local governments. What we are saying is at least keep your commitment not to load more on the State and local property taxes, and let us pay for this by simply reducing the size of the growth in consultants at the Secretary’s level. This is already a bloated, dysfunctional agency. We are now going to be asked to provide very large increases to pay as they go consultants. It seems to me that they can afford to get along with a few less consultants so we can provide one less unfunded mandate in State and local government.

First, let me ask the gentleman a question: Is not a significant amount of the money that the gentleman is reducing consultant money?
land along the Texas border is privately owned and some of it is urbanized, unlike the open land the group monitored in Arizona. And the same reports of drug violence that have scared some tourists away from the south ports of drug violence that have scared monitored in Arizona. And the same re-

land along the Texas border is pri-

strict and of the State of Texas on notice that control these issues before they become prob-

pose of the Jackson-Lee amendment is to

dent of shirked Federal responsibility. The pur-

injuring or killing of aliens, citizens, or volun-

Federal Government, to prevent the incidental

try to protect those who are acting in

extra added burden using resources to

That protection cannot give them the

control in the United States of America.

the responsibility of immigration con-

Federal officers and other law enforce-

says is that we have to protect the

cause we are going to be annoying a lot

Security becomes a serious issue be-

men.

As a member of the House Committees on

The Minuteman Project has good intentions,

in addition, I was joined by Ms. Adriana

expertise in the area of border security and

The Minuteman Project is headed for the

Minutemen attempt to enforce immigration

Other media and eyewitnesses have sug-

ggested that many of the participants in the

Minuteman Project have carried firearms, in-

icted retaliatory measures by gang members,

in more groups to organize in a similar

created a situation that suggests potential con-

incited more groups to organize in a similar

Minuteman Project have carried firearms, in-

deter security needs.

DHS has legal jurisdiction over the borders;


A Federal Government problem. It is a Depart-

the Texas borders, and their presence will be the

The Minuteman Project to the U.S.-

Mexico border of Texas.

Several differences between the U.S.-Mex-

border of Arizona and Texas make it po-

sitioned, unless the open land

control these issues before they become prob-

lems. Last Sunday, May 15, 2005, I put the

people of the Eighteenth Congressional Dis-

and of the State of Texas on notice that

the “Minuteman Project” has proposed to en-

orders in order to monitor for illegal

Mr. Chairman, this proposal seeks to pre-

the funding of increased liability for the

Federal Government, to prevent the incidental

injuring or killing of aliens, citizens, or volun-

ners, to prevent the creation of a sad prede-

ent of shirked Federal responsibility. The pur-

pose of the Jackson-Lee amendment is to

to control these issues before they become prob-

lem. I was joined on Sunday by Ms. Mabel Rog-

ers, who is the President of the American Fed-

eration of Government Employees, AFGE. Local

ers, who is the President of the American Fed-

eration of Government Employees, AFGE. Local

in the area of border security and

the issues that can arise if groups such as the

Minutemen attempt to enforce immigration

laws.

In addition, I was joined by Ms. Adriana

Fernandez, who leads the Association for

Residency and Citizenship of America, ARCA, right here in the Eighteenth Congressional Dis-

trict of Houston, Texas for her time, efforts,

and more so for the passion that she exhibited in bringing her colleagues to share their con-

cerns in this matter.

The Minuteman Project has good intentions,

but we object to the potential negative social,

legal, and economic impact that it can have on

the Texas border.

The problem of porosity of the borders is a

Federal Government problem. It is a Depart-

ment of Homeland Security, DHS, problem. DHS has legal jurisdiction over the borders;

therefore, it is DHS that must address our

border security.

An unofficial, untrained, and uncontrolled

militia is the wrong answer for a problem that

is within the Federal Government’s responsi-

bility. If the job is not being done sufficiently,

we must look to Congress and the executive

branch to exercise oversight and to improve

performance.

The Minuteman Project is headed for the

Texas borders, and their presence will be the

recipe for danger, conflict, and increased legal

enforcement costs for the Federal Govern-

ment. The Houston Chronicle reported on May

that the controversial group that began as

a month-long engagement along the Arizona

border plans to enter Texas to operate its hunt

for illegal immigrants.

Other media and eyewitnesses have sug-

gested that many of the participants in the

Minuteman Project have carried firearms, in-

icted retaliatory measures by gang members,

incited more groups to organize in a similar

created a situation that suggests potential con-

strants on the individual civil rights of undocu-

mented persons.

The arrival of this group to Texas is an ex-

ample of what I feared during its initial en-

gagement during the month of April—propaga-

ation in other borders. Empowerment of unoffi-

cial, untrained militia to carry out the functions

of the Federal Government instead of simply

improving the staffing situation at the Customs

and Border Patrol and the Immigration, Cus-

tons, and Enforcement Agencies is a derelic-

tion of duty and a condoning of potential vio-

lantism. I urge the Governor of Texas to
divisine the Minuteman Project to the U.S.-

Mexico border of Texas.

Several differences between the U.S.-Mex-

border of Arizona and Texas make it po-

sitioned, unless the open land

control these issues before they become prob-

lem.

In 2001, U.S. Customs inspectors logged

3,153,619 cargo trucks as they entered Texas

border towns from Brownsville to El Paso, up

from 1,897,888 commercial vehicles in fiscal

year 1995, the year NAFTA took effect. Fur-

thermore, the topography at the Texas borders

is more dense and provides more places for

people involved in violent disputes to hide. In

addition, even as the leader of the Minuteman

Project stated to the Houston Chronicle, ‘there

are serious logistical problems for patrols in

Texas. Most of the land along the Texas bor-

der is privately owned, and some of it is ur-

banned, unlike the open land the group mon-

itored in Arizona.

What we need instead of a situation of po-

tential violence, violation of civil rights, and

costs associated with restoring peace and se-

curity at the borders is a comprehensive immi-

gration plan like I proposed with the introduc-

tion of my legislation, the ‘Save America Com-

prehensive Immigration Act, H.R. 2092.’

As a member of the House Committees on

the Judiciary and on Homeland Security, I had

the opportunity to actively participate in a

markup hearing for the ‘Homeland Security


I offered the amendment that I o-

fered that called for studies and analysis of

the issue of border violence, I was able to ob-

tain a commitment from the chairman of the

Homeland Security Committee to join me and

the ranking member in a bipartisan letter to

the Department of Homeland Security to direct

to gather information and to identify the

problems surrounding the contention reported

at the locations patrolled by volunteers.

Effective, efficient, and safe border security

requires properly trained personnel. We need

improve our Border Patrol and Immigration and Customs Enforcement agencies rather than empower militias to do

their job. The enforcement job requires ac-

countability, training in the area of human

rights, language skills, non-violent restraint

techniques, and weapons handling.

The legal accountability principles such as

respondent superior and vicarious liability do

not clearly apply to the Minutemen for injuries

or damage that may be sustained by the pri-

vate property that alight the Texas borders;

the heavy stream of commerce constantly tra-

versing the border; or innocent bystanders

who may be in the wrong place at the wrong
time.

Mr. Chairman, the Jackson-Lee amendment

seeks to prevent liability “powder kegs” from

propagating nationally. I ask that my col-

leagues support the amendment.

Mr. ROGERS of Kentucky. Mr. Chair-

man, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield
to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chair-

man, I am prepared to accept the

amendment if we can go ahead and con-

clude it at this moment.

Mr. Chairman, I thank the distinguished

chairman. I am willing to accept the chairman’s ac-

ceptance.

Let me just say, Mr. Chairman, that

this amendment speaks to the whole con-

cern of protectors in an unauthorized manner.

There seems to be an effort to do it in an unauthorized manner, and I desire to protect those who need protecting. I would ask my colleagues to support this amendment and, as well, I do want to acknowledge the work that the staff has done with the

Chairman, the Chair will read.

The Chair will read as follows:

This Act may be cited as the “Department

of Homeland Security Appropriations Act, 2006”.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE

OF THE WHOLE

The CHAIRMAN, Pursuant to clause 6 of

rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 14 offered by the gentleman from New Jersey (Mr. MENENDEZ), Amendment No. 1 offered by the gentleman from Colorado (Mr. TANCREDO), the amendment offered by the gentleman from New York (Mr. MEEKS), and the amend-

ment offered by the gentleman from Wisconsin (Mr. OBEY).

The Chair will reduce to 5 minutes the
time for any electronic vote after the

first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. MENENDEZ

The CHAIRMAN. The pending business

is the demand that the amendment offered by the gentle-

man from New Jersey (Mr. MENENDEZ) on which further proceedings were
postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 198, not voting 10, as follows:

(Roll No. 176)

AYES—225

Abercrombie
Allen
Andrews
Baca
Baird
Balbirnie
Barrow
Bass
Bean
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyce
Bradley (NH)
Brown (OH)
Brown, Corrine
Brown-Waite
Ginny
Capito
Capuano
Cardoza
Capps
Carr
Carson
Cass
Chabot
Clay
Clearer
Cleaver
Coley
Cole
Cresley
Creswel
Cubellar
Cummings
Cupp
Curtis
Dargan
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeLauro
Defoe
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingle
Doggett
Doyle
Emanuel
Engel
Eshoo
Erichberger
Eron
Farr
Farrand
Filner
Frank (CA)
Gerlach
Gilchrest

NOES—198

Aderhold
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (CT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Browner
Burton (IN)
Buser varchar
Camp
Cannon
Carter
Chabot
Coble
Conaway
Crenshaw
Culkin
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLee
Dreier
Duncan
Edwards
Emerson
English (PA)
Feeney
Foley
Forbes
Fortenberry
Fox
Frank (AZ)
Frehlinghausen
Gallo
Garrett (NJ)
Garcia
Gassert (ID)

Not Voting—10

Ackerman
Bradley (PA)
Kilpatrick (MI)
Larson (CT)

Arendt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (CT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)

Gilmore
Gohmert
Goode
Goodlatte
Graves
Gutknecht
Hail
Harris
Hart
Hastings (WA)
Hays
Rayworth
Heflin
Hensarling
Helton
Hoekstra
Hulshof
Hunt
Hyde
Ingalls (SC)
Isa
Itook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (SC)

Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Klingensmith
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel
Macy
Mack
Mannello
Marchant
McCaul (TX)
McColl (KY)

McCollum (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)

Snyder
Solis
Spratt
Starke
Strickland
Stupak
Tanner
Taylor
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney

Towns
Upton
Van Hollen
Velazquez
Wasserman Schultz
Waters
Watson
Watson
Waxman
Weiner
Weldon (PA)
Weldon (FL)

Wilson (NM)
Wilson (SC)
Woolsey

Wyden

May 17, 2005

Congressional Record—House

Ms. FOXX, and Messrs. HOBSON, NEUGEBAUER, MORAN of Virginia, NUSSELLE, Ms. JOHNSON of Connecticut, Mr. THOMAS, and Mr. GOHMERT changed their vote from **Aye** to **no**.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlemen from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 258, not voting 10, as follows:

(Roll No. 177)

AYES—165

Aderhold
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (CT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Browner
Burton (IN)
Buser varchar
Camp
Cannon
Carter
Chabot
Coble
Conaway
Crenshaw
Culkin
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLee
Dreier
Duncan
Edwards
Emerson
English (PA)
Feeney
Foley
Forbes
Fortenberry
Fox
Frank (AZ)
Frehlinghausen
Gallo
Garrett (NJ)
Garcia
Gassert (ID)

Gilliam
Gohmert
Goode
Goodlatte
Graves
Gutknecht
Hail
Harris
Hart
Hastings (WA)
Hays
Rayworth
Heflin
Hensarling
Helton
Hoekstra
Hulshof
Hunt
Hyde
Ingalls (SC)
Isa
Itook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (SC)

Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Klingensmith
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel
Macy
Mack
Mannello
Marchant
McCaul (TX)
McColl (KY)

McCollum (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)

Snyder
Solis
Spratt
Starke
Strickland
Stupak
Tanner
Taylor
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney

Towns
Upton
Van Hollen
Velazquez
Wasserman Schultz
Waters
Watson
Watson
Waxman
Weiner
Weldon (PA)
Weldon (FL)

Wilson (NM)
Wilson (SC)
Woolsey

Wyden

Ms. PELOSI, and Messrs. GREEN of Wisconsin, WELLER, GUTHEILGER, GILCHRIST, SCHWARZ of Michigan, RAMSTAD, and Mrs. JONES of Ohio changed their vote from **no** to **aye**.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Ms. FOXX, and Messrs. HOBSON, NEUGEBAUER, MORAN of Virginia, NUSSELLE, Ms. JOHNSON of Connecticut, Mr. THOMAS, and Mr. GOHMERT changed their vote from **Aye** to **no**.
The CHAIRMAN. The amendment has been rejected. The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MEeks OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. MEeks) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment. The Clerk designated the amendment.
Mr. BOEHLERT changed his vote from "aye" to "no."

Mr. OTTER and Mr. EVERETT changed their vote from "no" to "aye."

So the amendment was agreed to.

The vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.
PERSONAL EXPLANATION

Mr. KILPATRICK of Michigan. Mr. Speaker, personal business in my district prevents me from being present for legislative business scheduled for today, Tuesday, May 17, 2005.

Had I been present, I would have voted “no” on rollcall No. 174, on ordering the previous question; “no” on rollcall No. 175, H. Res. 278, a resolution providing a rule for the consideration of H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006; “aye” on rollcall No. 176, an amendment offered by Rep. ROBERT MENENDEZ of New Jersey; “no” on rollcall No. 177, an amendment offered by Mr. TANCREDO of Colorado; “aye” on rollcall No. 178, an amendment offered by Mr. MEEK of New York; “aye” on rollcall No. 179, an amendment offered by Mr. OBEY of Wisconsin; and “aye” on rollcall No. 180, final passage of H.R. 2360, The Department of Homeland Security Appropriations Act for Fiscal Year 2006.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the record and regret that I could not be present today, Tuesday, May 17, 2005, to vote on rollcall vote Nos. 174, 175, 176, 177, 178, 179, 180 due to a family medical emergency.

Had I been present, I would have voted: “No” on rollcall vote No. 174 on Ordering the Previous Question on H. Res. 278, providing for consideration of H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; “No” on rollcall vote No. 175 on Ordering the Previous Question on H. Res. 278, providing for consideration of H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; “aye” on rollcall vote No. 176 on an Amendment to H.R. 2360 to increase funding (by transfer) by $50 million to the Department of Homeland Security for the Department of Homeland Security Appropriations Act for Fiscal Year 2006; “aye” on rollcall vote No. 178 on an Amendment to H.R. 2360 to insert a new section at the end of the bill to direct the Secretary of Homeland Security to make grants to assist States in conforming with minimum drivers’ license standards by appropriating $100,000,000. For taxpayers with adjusted gross income in excess of $1,000,000, the amount of tax reduction shall be reduced by 1.522 percent; and “aye” on rollcall vote No. 180 on final passage of H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 109-27)

The SPEAKER pro tempore laid before the House the following message from the President of the United States: which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the Federal Register for publication, which states that the Burma emergency is to continue beyond May 20, 2005. The most recent notice continuing this emergency was published in the Federal Register on May 19, 2004 (69 FR 29041).

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies, including its policies of committing large-scale repression of the democratic opposition in Burma, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.


ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 281) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution. The Clerk read as follows: