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GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5441, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. McHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, May 25, 2006, the amendment by the gentleman from Colorado (Mr. TANCREDO) had been disposed of and the bill had been read through page 62, line 17.

Pursuant to the order of the House of that day, no further amendments to the bill may be offered except those specified in the previous order of the House of that day, which is at the desk.

AMENDMENT OFFERED BY MR. CULBERSON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CULBERSON:

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

SEC. ____ . None of the funds made available in this Act may be used to process applications or petitions for immigration benefits submitted to the United States Citizenship and Immigration Services until October 1, 2007. This section shall not apply with respect to—

(1) processing applications or petitions submitted before October 1, 2006, for such benefits; and

(2) processing applications or petitions relating to visas under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) (commonly referred to as H-1B non-immigrant visas).

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006,

the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I bring this amendment to the House today to focus the attention of the House, of the White House, of the country on an urgent and very serious problem with the Citizen Immigration Service.

CIS is responsible for reviewing and approving any application for citizenship, for green cards, for visas, for I-90s for people entering the United States temporarily or permanently.

Yet this agency is so incompetent and so poorly run, all of us know, those of us representing border States, that the level of illegal immigration in the country is overwhelming. We have got people entering the country literally at will over our borders.

Based on my own investigation, what I have learned from visiting the border firsthand, it is possible for terrorists to enter the United States just walking over the border, or frankly they can come right through the front door at the Citizenship and Immigration Service offices, the CIS offices, because the agency is not running criminal background checks on people applying for visas or green cards or I-90s or citizenship.

The agency, when they do run background checks, the Inspector General reports, that among people who are applying to enter the United States temporarily, there is a 90 percent error rate in security checks being run on these folks. If you are entering as a refugee, there is a 64 percent error rate.

Now, this is on running criminal background checks on foreign nationals seeking to enter the United States, at a time when we are at war with terrorists who we know are seeking to enter the United States to hurt us. The terrorists who attacked us on September 11 were using dozens and dozens and dozens of fraudulent driver's licenses, phony IDs; they were, many of them, visa overstays.

This agency is so incompetent, so poorly run that in fact they even hired an Iraqi spy and swore him in as an officer of the United States to interview foreign nationals applying to enter the United States. This was reported first in the Washington Times on April 6.

After this was confirmed that this guy was an Iraqi spy, he flew to Baghdad and walked out of the Green Zone and disappeared. This is a huge national security problem, Mr. Chairman. And the problem is really systemic throughout CIS, because their focus is not on national security, but customer service.

This agency's sole primary motivation is on the convenience of the foreign national, to make sure that

Osama bin Laden's cousin out in the lobby is not hindered or slowed down in any way, that his application is stamped and approved as rapidly as possible.

Chairman ROGERS has done a superb job in doing everything that he can to bring the CIS, and ICE and Homeland Security, to heel. I know he is aware of the severity of this problem.

My amendment would stop the use of any funds for CIS to process immigration applications other than H1Bs for 1 year, so they can catch up and catch their breath. We know the backlog is so bad right now that they are simply overwhelmed, they are years behind. We know they are not running criminal background checks, and the criminal background checks they do run on these foreign nationals are just riddled with errors.

My amendment is intended to shut that process down for a year to allow them to catch up. The Homeland Security reauthorization is coming up this summer. I intend to pursue this very aggressively with Chairman KING. I bring this amendment to the attention of the House today and do intend to withdraw it.

I understand we need to work through the Homeland Security authorization bill on this, Mr. Chairman. But it is an extraordinarily serious and dangerous problem that the country needs to be aware of. There has even been information brought to my attention and to the chairman's attention that the foreign intelligence agencies have probably penetrated CIS at very high levels and are able to remotely print out visas, I-90s, passports, citizenships to fraudulent individuals remotely on command using laptop computers from anywhere in the world.

This agency I think poses a very serious threat to the national security of the United States. I intend to pursue it very aggressively with the reauthorization of the homeland security bill.

Mr. Chairman, I offer this amendment to the House today to focus the House's attention on it, bring it to the attention of the Nation. And I thank the chairman, Chairman ROGERS, on trying to clear up this agency and homeland security.

Mr. CULBERSON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MS. MATSUI

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MATSUI:

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

SEC. ____ . None of the funds made available in this Act may be used to carry out the policy of the Department of Homeland Security

that the risk-based formula used for purposes of the Urban Area Security Initiative does not take into account strategic defense considerations, local government assets that serve the military, proximity to international borders, presence of visitors to the urban area, the presence of drug trafficking and other organized crime activities that relate to terrorism, or the catastrophic and cascading effects of an attack on critical infrastructure including dams and levees.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, in January, the Department of Homeland Security made significant changes to our homeland security effort. They announced the areas eligible for fiscal year 2006 UASI grants.

For the first time, Sacramento and San Diego were not identified as high-risk areas. While Sacramento and San Diego did receive fiscal year 2006 funding, the new eligibility guidelines have put our funding for next year and beyond in jeopardy.

Sacramento is the capital of the sixth largest economy in the world and home to dozens of critical Federal and State governmental buildings. Much of the State's water, electricity, and telecommunications systems are managed from Sacramento. Of considerable concern is an attack on Sacramento's dams and levees, not only because of potential loss of life and impact to Sacramento's families, but an economic impact as well. According to a Sacramento Bee analysis, the economic impact of a major flood in Sacramento would cost the region \$35 billion. This is damage to homes, loss of jobs, and government revenues.

The San Diego area contains the Nation's seventh largest city adjacent to a heavily trafficked international border, a busy port, and tourist attractions. Nor should it be overlooked that a number of naval and Marine bases are located in San Diego, including the largest naval base in the country.

With fewer installations after four rounds of BRAC, an attack on even one could result in even greater impact. An attack of either of these cities would have repercussions well beyond our region.

Therefore, Congressman FILNER and I have very real concerns about DHS's new eligibility guidelines accurately addressing our homeland security needs. We all agree that a risk-based grant program is an effective use of our limited resources. However, policy is only as good as the information that goes into it.

DHS has already acknowledged that it failed to take into account the catastrophic downstream impact to my district if there were an attack on Folsom Dam. This only raises the question of

what other targets have they overlooked.

That is why we need to ensure that DHS properly considers the catastrophic and cascading effects of an attack on critical infrastructure such as dams and levees, as well as determine a way to factor in the presence of drug trafficking and other organized crime activities that relate to terrorism and strategic defense considerations.

This amendment would withhold funding until DHS has properly addressed these issues. It would ensure accountability. It is important that DHS address these concerns. We need increased transparency and understanding of the process before the next UASI review is conducted.

Unfortunately, it is unlikely that a DHS reauthorization bill will come to the floor before the next risk assessment begins.

As a result, we must take this opportunity to require DHS to perform a thorough threat assessment of each urban area. We have an obligation to ensure we are meeting our national security needs. But the questions surrounding the UASI grant eligibility draw into question whether we are meeting that need.

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

POINT OF ORDER

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

This amendment prescribes a policy. I ask for a ruling from the Chair.

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

Ms. MATSUI. Mr. Chairman, I wish the gentleman would withdraw his point of order.

The CHAIRMAN. The Chair is prepared to rule.

The amendment embodies a statement of policy, not by way of citation but instead by prescription. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:
Page 62, after line 17, insert the following:
SEC. 537. None of the the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

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

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, today I am offering an amendment on behalf of Representative CAMPBELL. This amendment prevents State and local governments who refuse to share information with Federal immigration authorities by adopting sanctuary policies from getting Federal funds in this appropriation.

Mr. Chairman, there are some cities and States around the country that have such laws, and they blatantly encourage illegal immigration. Such laws prohibit law enforcement officials from reporting to the Department of Homeland Security illegal aliens when they are discovered through the normal course of law enforcement practice.

Section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 makes it illegal for local and State governments to adopt such laws.

These laws, known as sanctuary policies, prevent open communication between local and Federal law enforcement and pose a great risk to all American citizens. We cannot risk letting a dangerous criminal walk out of the sanctuaried city and possibly into our community instead by being deported as the law dictates.

Across the Nation there are repeated examples of illegal aliens, who, on multiple occasions, have been apprehended by local governments only to be released to commit other crimes.

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The Washington Times has reported that in a December rape of a woman in New York, four of the five men charged in the case were illegal immigrants, and three had prior convictions that, in keeping with Federal law, would have allowed their deportation. Unfortunately, because the New York City sanctuary policy which prevented city police from sharing information with Federal immigration authorities, these criminals were released by local law enforcement authorities rather than deported. Had New York not enacted a sanctuary policy, this rape may never have happened. Why take a chance on letting another rapist or potential terrorist walk out of a sanctuary city police station and possibly into your community instead of being deported.

Sanctuary policies allow local governments to effectively set up their own patchwork of individual immigration sanctuaries. This directly usurps the authority granted to the Federal Government under the Constitution to establish our Nation's immigration policies. Some may argue that this amendment would coerce State and local police officers to step into the role of Federal immigration agents.

This is a false argument, Mr. Chairman. The Campbell amendment would not require States and local officials to assume any new duties. It would merely ensure that local and State law enforcement agencies obey existing Federal law and cooperate with Federal officials.

It is clear that we need a mechanism to ensure compliance. This amendment provides one by withholding Federal funding from those localities that prohibit law enforcement from sharing information with our Federal enforcement authorities.

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

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

Mr. SABO. Mr. Chairman, under my reservation, I would like to direct some questions to the gentleman from Iowa. I have trouble understanding the amendment.

The CHAIRMAN. The gentleman may continue to reserve the point of order and be recognized for 5 minutes.

Mr. SABO. Under my reservation, I would like to ask the gentleman from Iowa some questions.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SABO. Mr. Chairman, would the gentleman tell me, does the Department have the authority, not the authority but is the Department doing what the gentleman suggests today?

Mr. KING of Iowa. Which department do you refer to?

Mr. SABO. The Department of Homeland Security.

Mr. KING of Iowa. I don't believe that the Department of Homeland Security is enforcing this law currently, and I do believe they should. But this is the most expeditious method by which we can get enforcement of a law that has been on the books for 10 years and it is a clear law.

Mr. SABO. So the gentleman is suggesting that he wants the Department to be doing something that they are not doing today?

Mr. KING of Iowa. I am suggesting that local government is directly violating the law, and this is the most expeditious way to get compliance of the Federal law.

Mr. SABO. My question was not about local government. It was about whether DHS would be doing something under his amendment that they are not doing today.

Mr. KING of Iowa. I don't direct DHS to do anything under this amendment except to evaluate if the local governments are receiving funds under this appropriations and if they have a sanctuary policy that is on the books.

Mr. SABO. What DHS funding is used today in contravention of section 642(a) of the 1996 Immigration Act?

Mr. KING of Iowa. I think if the gentleman would, that we understand that funds are fungible, and when they go into an appropriations process to a local government, that there can be

interdepartmental transfers within those local governments that would be very difficult to track and give a precise answer to. But if funds are going into a local government and local government has a sanctuary policy, one can presume that some of those dollars are being used to support the sanctuary policy. And that is what this amendment seeks to prevent.

Mr. SABO. So DHS would have to clearly be tracking significantly more money than they track today?

Mr. KING of Iowa. Did you say keep track of?

Mr. SABO. Tracking of how the money is spent that they do not do today?

Mr. KING of Iowa. I think it is very clear that these sanctuary policies are printed, they are a matter of public record. There are a limited number of jurisdictions. Although it is a significant list, it is still limited. And it is not a difficult task to identify communities. They self-identify. And if it gets to be a bit too much work for DHS, I would be happy to provide the list to them, sir.

Mr. SABO. Mr. Chairman, I would suggest that from the answers this gentleman has given, that this clearly is putting additional responsibilities on the Department of Homeland Security.

POINT OF ORDER

The CHAIRMAN. Does the Chair understand the gentleman to insist upon a point of order under clause 2 of rule XXI?

Mr. SABO. Yes, I do.

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

Mr. KING of Iowa. Yes, Mr. Chairman. I point out that the language of the amendment merely requires the Federal official administering these funds to comply with Federal law. A new duty is not required in the face of the amendment, and because we are simply asking them to comply with current Federal law, I don't adjust that at all in this amendment. There is no policy change other than the requirement to comply with existing law that passed in 1996.

The CHAIRMAN. Are there other Members desiring to be heard on the point? If not, the Chair is prepared to rule.

The Chair will judge the amendment on its face. It proposes to limit funds for a specified set of activities. The amendment does not impose new duties and, therefore, constitutes a valid limitation. The Chair would note that the same amendment was ruled in order on May 17, 2005. The point of order is overruled.

The gentleman from Iowa has 2½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, having had that discussion, I think it does clarify this amendment significantly and that it is important for us to look across this Nation. Once the sanctuary cat got out of the bag some years ago and local governments began

passing for their own local interests sanctuary policies that directly contravene the 1996 Federal law, city after city picked up this policy, and we have three States that also have sanctuary policies.

The result of these sanctuary policies has been that we have had people who have been into these cities who have been picked up for a number of reasons, whether they be for traffic violations, minor crime, assault, issues of that nature where they come in the course of contact with law enforcement, and because of the sanctuary policies, the officers have been prohibited from passing these individuals along to, at that time, the INS, and now the Department of Homeland Security for deportation.

The result of that has been the death of at least one police officer in every major city in America. Not as a statement on the magnitude of this problem, but as samples of a magnitude that is far greater than that, we have got to have enforcement of our immigration laws. American people are not going to accept an immigration policy that would come at them without enforcement of our laws and this is one way to demonstrate the will of this Congress.

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

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

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman is recognized for 5 minutes.

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

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the ranking member.

This amendment attempts to penalize States and localities that have confidentiality policies in place. These policies are supported by our State and our local law enforcement because they encourage immigrant communities to come forward and to report crimes without fearing that immigration status will come under scrutiny. And believe me, back in Orange County, in Anaheim, in Santa Ana and some of the other cities I represent, my police chiefs are very adamant about this issue.

If crimes are occurring and if the witnesses we have are immigrants, immigrants without documents, if they believe that they will be taken or deported, they are not going to want to come forward and tell us what is happening. This is very important. It is important in hit and drive car accidents, in execution style things that happen in some of the Asian communities. This is a very important issue for our local law enforcement.

The message of this amendment would say, it would intimidate immigrants and it would make them less likely to report the crimes to law enforcement or to assist law enforcement. It would hamper the State and local law enforcement's work by intimidating the potential witnesses and

community members that would help to solve these crimes. In fact, this is opposed by the National League of Cities, the National Conference of State Legislatures, and the National Association of Counties. They all oppose this amendment.

So please protect local government's independence and choice. Keep local public safety decisions and resources local and oppose this amendment.

Mr. SABO. Mr. Chairman, I would oppose this amendment. I read the amendment. I am not sure it does what the gentleman from Iowa says it does. I am not sure it does anything, but if it does something, then it is very comprehensive. It either does nothing or else potentially has the ability to limit how DHS responds to emergency and disaster relief. It either does nothing or it may limit what border patrol can do in certain cities in this country. I am not sure which. It either does nothing or it does something significantly more than what the gentleman has suggested.

Mr. Chairman, I would urge the House, as it has the last 3 years, to reject this amendment.

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

Mr. KING of Iowa. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Iowa has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, in response to the gentleman and the gentlewoman's remarks, either this amendment does something or it does nothing. We thought when the 1996 Act was passed, it did something, and we found out it has done nothing because local government has defied Federal law. So I am not swayed by the argument that NSCSL or the League of Cities or the counties oppose this amendment. They are the people that are contravening Federal law today. It is the Congress that sets the Federal law, not local government. We need to support this amendment for those reasons.

With regard to the gentlewoman from California's remarks on her confidentiality policy which I had described as a sanctuary policy, undocumented immigrants would be intimidated not to take their cases to law enforcement. I understand that argument. And in fact, one is swayed by that to some degree. But the other side of this is that we have millions of American citizens that we need to attend to. And if we are going to enforce our laws, that argument will always be an argument that can come to this floor to make the case that we should not enforce them because it might intimidate people who are living beyond the law.

Mr. Chairman, I ask support for this amendment. It is prudent. It is reasonable. It supports existing Federal law.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Ms. LORETTA SANCHEZ of California. 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 Iowa will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. 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. 9 offered by Mr. DEAL of Georgia:

Page 62, after line 17, insert the following: SEC. 537. None of the funds appropriated in this Act may be used to grant birthright citizenship to the children of those individuals who are not subject to the jurisdiction of the United States, including the children of illegal aliens.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 5 minutes.

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

The Acting CHAIRMAN. The gentleman from Minnesota reserves a point of order.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, this amendment relates to the issue of birthright citizenship and is a prohibitive amendment for using funds under this appropriations's bill for the purpose of implementing and granting birthright citizenship.

The issue is one that I think has now caught the attention of the American public and rightfully so. The Center for Immigration Studies estimates that some 383,000, or 42 percent of births to immigrants are to illegal alien mothers. Births to illegal immigrants now account for nearly one out of every ten births in the United States.

We are in a distinct minority in the world community in recognizing birthright citizenship. There are only 36 countries that do so, 122 do not. Of the 36 that do, the United States, Cuba, El Salvador, Guinea, and Venezuela are in that list. On the other hand, the vast majority of all westernized countries, including every single European country along with Israel and Japan, do not offer birthright citizenship.

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In fact, Ireland in 2004 changed their law to no longer recognize birthright citizenship.

The magnitude of the problem is, in fact, astounding. The Center for Immigration Studies found that illegal immigrants cost the United States taxpayer about \$10.4 billion a year. A large part of that expense stems from the babies born each year to illegal immigrants.

In my State of Georgia, a normal, noncesarean section child delivery, with no complications, costs an average of \$2,720. Born United States citizens, these children are eligible for all benefits of citizenship, including, but not limited to, education, Medicaid, and welfare.

In one of their own publications, the Department of Homeland Security states: "An industry has developed around this practice of crossing the border illegally specifically to give birth, with travel agents specializing in birth tours and clinics providing post-natal care, which includes transportation services. For those seeking entry into this country, it is a small price for legal entry and social service benefits that accrue with citizenship."

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding, and I thank him for the leadership on this amendment.

While I know there is a question about a point of order, I think it is important to point out that this legislation is also in the form of a bill which has over 80 cosponsors; and as I look at this, one thing to keep in mind is that if you are flying in an airplane right now, regardless of the origination, regardless of the destination, if you pass the south tip of Florida or the extreme islands of Alaska, if you are born while over those U.S. properties, you become an American citizen, which is an extremely liberal, broad policy in terms of granting one of the most precious things that we as Americans have and that is citizenship.

Now, recently, the U.S. Senate passed a bill which probably is not going to get a lot of support in the House on either side of the aisle, but one of the big criticisms of it is that it grants citizenship too easily to people and the reason why that criticism is there is not because, okay, you have got 11 million people who may be here illegally and those would become citizens overnight. It is that once those 11 million become citizens, they petition to have their mom, dad, cousin, brother, aunt brought in. So you actually have 11 million times three or 11 million times four. It depends on who is doing the calculation.

That is exactly what happens here when a mother comes in illegally and has a baby. The baby automatically can start petitioning to bring the illegal mom, the illegal dad, the illegal brother and sister in and break in line in front of people who have been going through the process for many years.

Recently on the Capitol steps, I had an opportunity to go to a reenlistment ceremony for a woman from Poland. She had already been in Iraq. She had already been deployed and served the United States of America for 1 year in Iraq and was a member of the U.S. Army Reserves, but she was not yet a citizen. I do not think it is right to

have somebody break in line in front of her, a war veteran, who got in here illegally.

I support ending the birthright citizenship. As I understand, 122 nations no longer have that, and I think America should become one of them.

Mr. CROWLEY. Mr. Chairman, I rise today in strong opposition to Deal Amendment to H.R. 5441 The Homeland Security Appropriations Act, changing the requirement for granting birthright citizenship.

At a time when Congress is trying to find a solution to immigration, a problem that tears at the very fabric of our Nation, the Deal Amendment is a hateful amendment that does nothing to improve our security or fix this country's immigration problem.

We cannot under the guise of security, specifically target undocumented individuals, who are here working and contributing to our economy. This amendment will turn children who are born in the United States into stateless babies, who will be forced to grow up and live in the shadows of our society.

This is another far-right Republican approach that does nothing to secure our borders or our country nor contributes in any positive way to this immigration debate. The people of the United States deserve hard work and legislation that helps solve problems and not create them.

All this amendment accomplishes is to create a permanent underclass that will be forced to live on the fringes of our society. Attempting to eliminate birthright citizenship will create a whole new immigration problem. And these poor children are going to stay here because they will not have a country to go to.

When will we learn that unjust and discriminatory legislation does not work? To deny citizenship to children born within our borders is not only unconstitutional but immoral. We are turning our backs on the very principle that this country was founded on. The notion of the American Dream is being trampled on by the Deal Amendment and by those who would support such legislation in this House.

Immigration is a serious problem that requires real solutions. And Homeland Security is too important to be used as a tool of discrimination. I oppose this Amendment.

POINT OF ORDER

Mr. SABO. Mr. Chairman, I insist on my point of order against the amendment. It clearly constitutes legislation on an appropriation bill, which is in violation of clause 2, rule XXI.

The Acting CHAIRMAN (Mr. MCHUGH). Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imposing new duties, and the amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not order.

AMENDMENT OFFERED BY MR. OBEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

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

TITLE VI—PREPARING FOR AND PREVENTING KNOWN THREATS AND IMPROVING BORDER SECURITY

CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$880,000,000, to remain available until expended, for 1,800 additional border patrol agents, 300 additional customs agents and inspectors, improvements to the automated targeting system as recommended by the Government Accountability Office, and expansion of the Container Security Initiative.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", \$170,000,000, to remain available until expended, for additional operating hours, the purchase of additional air assets, aircraft recapitalization, and establishment of the final northern border airwing.

CONSTRUCTION

For an additional amount for "Construction", \$300,000,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$730,000,000, to remain available until expended, for not less than 9,000 additional detention beds and 800 additional immigration enforcement agents.

TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For an additional amount for "Aviation Security", \$200,000,000, to remain available until September 30, 2008, for checkpoint support technology and passenger, baggage, and cargo screening.

UNITED STATES COAST GUARD OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$50,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", \$200,000,000, to remain available until September 30, 2008, for the automatic identification system.

PREPAREDNESS

OFFICE OF GRANTS AND TRAINING STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", \$1,090,000,000, of which \$536,000,000 shall be for formula-based grants; \$214,000,000 shall be for discretionary grants in high-threat, high-density urban areas; \$100,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; \$200,000,000 shall be for port security grants; and \$40,000,000 shall be for grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109-13).

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants", \$150,000,000, of which

\$75,000,000 shall be available to carry out section 33 of the Federal Fire Prevention and Control Act (15 U.S.C. 2229) and \$75,000,000 shall be available to carry out section 34 of such Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", \$150,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY READINESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Readiness, Mitigation, Response, and Recovery", \$50,000,000.

FLOOD MAP MODERNIZATION FUND

For an additional amount for "Flood Map Modernization Fund", \$150,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$30,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

For an additional amount for "Domestic Nuclear Detection Office", \$100,000,000, to remain available until expended, for the purchase and deployment of radiation detection equipment.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. In the case of taxpayers with income in excess of \$1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107-16, 108-27, and 108-311 shall be reduced by 10.3 percent.

SEC. 602. The amounts appropriated by this title shall be available for obligation, and the authorities provided in this title shall apply, upon the enactment of this Act.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, the President said in December of 2004 that the intelligence bill, "took an important step in strengthening our immigration laws by, among other items, increasing the number of Border Patrol agent." Yet neither the Congress nor this administration has provided the funding for those increased agents.

The committee bill falls short in meeting our border security responsibilities. The committee bill cuts 300 agents from the Bush Border Patrol agent request. It is 1,800 agents short of 4,000 additional Border Patrol agents called for in the Intelligence Reform Act. The committee bill cuts 1,846 detention beds from the Bush request. That is 9,000 detention beds short of the bed space called for in the Intelligence Reform.

My amendment would provide an additional \$2.1 billion to increase border enforcement. It would fund an additional 1,800 border patrol agents above

the committee bill and meet the Intelligence Reform Act requirements.

It would also fund an additional 9,000 detention beds above the committee bill and meet the Intelligence Reform Act requirements on that front. The detention bed space level funded by my amendment would meet the 34,653 detention bed level recommended by the DHS Inspector General as necessary to detain all criminal aliens and aliens from special interest countries.

My amendment would further increase our border detection capacities by providing funding for additional air patrols and operating hours, by cutting in half the number of unfunded radiation portal monitors, and by replacing old Border Patrol vehicles and expanding border facilities.

It would also provide for the port security grant program at the \$400 million level passed by the House in the Safe Port Act 2 weeks ago. The committee bill provides only \$200 million for those grants, and it contains a number of other increases.

Despite the lessons from Hurricane Katrina, the committee bill cuts funding for programs geared to improve the preparedness of local police, fire departments, and emergency responders by \$186 million, or almost 6 percent, from 2006. My amendment would provide additional funding for State emergency managers, for firefighters and for updating flood maps in critical, high-risk areas more quickly.

It would also provide an additional \$750 million for urban areas and State homeland security grants so that all States and urban areas would receive at least as much as they received in 2005 or 2006, whichever is the highest. That would mean, for instance, that New York would receive almost \$115 million more than it received in the recent DHS grant announcement. It would mean that Washington, D.C., would receive \$40 million more than it received in the recent grant announcement.

This amendment would also provide more funding for aviation explosive detection for air cargo and for passenger and carry-on bags.

The amendment is fiscally responsible. It would offset the \$4.5 billion in additional funding by capping the tax cut that people making over \$1 million this year would receive at \$102,400 instead of \$114,200.

I would urge the chairman to withdraw his point of order against the amendment so that the House could have an opportunity to meet these essential national obligations.

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

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. I ask for a ruling.

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

Mr. OBEY. Mr. Chairman, the purpose of this amendment is to meet critical national responsibilities that the President of the United States has already indicated we should be meeting and that this Congress has indicated on previous occasions that we should be meeting.

Unfortunately, because of the rules under which the House is operating, the gentleman is technically correct. The House could vote on this amendment if the House Republican leadership saw fit to allow us to do so, but I must say that under the rules that the House is operating under I must reluctantly concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I rise at this moment only because I intended to do this at the beginning of the presentation of the bill and I was unable to be on the floor, but it is very important for the Members to know that the combination of work between the chairman of this subcommittee and our ranking member, Mr. ROGERS and Mr. SABO, reflects the very best work of the House and the Appropriations Committee.

This is the fifth bill that will be coming off the floor in an effort to have all our bills completed with their work on the floor by the 4th of July break. Without their fabulous partnership, this would not have been possible today.

In the bill overall, they provide approximately \$32 billion for homeland defense, but I want to for those Members who are most concerned about that pattern whereby we are reducing patterns of growth in government to have them realize that this year's homeland security bill terminates six programs, resulting in \$154 million in taxpayer savings. More importantly, in the five appropriations bills considered on the House floor thus far this year, the Appropriations Committee has recommended the termination of 22 programs for a total savings of \$1.082 billion.

This is a very important piece of work. It shows the kind of imagination we need if we are going to be able to effectively carry forward this war on terrorism that is first international, but most important, important relative to our homeland defense and homeland security.

I want to congratulate the gentlemen and members of the committee on both sides of the aisle.

AMENDMENT OFFERED BY MR. KINGSTON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KINGSTON:
Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to provide a foreign government information relating to the activities of an organized volunteer civilian action group, as defined by DHS OIG-06-4, operating in the State of California, Texas, New Mexico, or Arizona, unless required by international treaty.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, what this amendment does is it clarifies Congress' position on a Border Patrol practice or a practice of the U.S. Government that tips off illegal immigrants as to where citizen patrols may be located. As we know, we had lots of testimony and lots of visits from people along the border, and we have seen lots of cameras and lots of videos about just the total lawlessness of people coming illegally over the border at night.

As a response in that area, a group has sprung up called the Minutemen Project, and the Minutemen Project is definitely not politically correct in Washington, D.C. However, they filled a void which the government was unable to fill.

There are over 7,000 volunteers in the Minutemen organization, and I am sure, like any other group of 7,000 people, you could find a bad apple or two. Yet, at the same time overall, their help has been productive and good. In fact, the Border Patrol itself in a CRS study indicates how helpful they have been, and their involvement has reduced the number of apprehensions of people coming over. That is because their folks are watching the border.

What my amendment does is simply says that the U.S. Government cannot tip off the Mexican officials as to where these folks are located. Plain and simple, nothing fancy about it. I am sure the Border Patrol will say, oh, no, we are not doing that, and yet one of the Web pages of the Secretary of Mexico had the information very explicit, and we just do not believe that is a good practice.

So what we wanted to do is confirm Congress' position in an amendment.

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

□ 1500

Mr. SABO. Mr. Chairman, I claim the time in opposition; but, Mr. Chairman, I don't rise in opposition.

The Acting CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. SABO. Mr. Chairman, we are told by Customs and Border Patrol that this amendment has no effect on its operation because it only shares information when it is required by international treaty, the same as what this amendment says. So to the best of my

knowledge this amendment simply restates what is policy.

If people want to put it in the bill, I guess that is okay because it apparently does nothing.

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

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

The Acting CHAIRMAN. The gentleman from Georgia has 3 minutes remaining.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding.

You know, the real shame of it is that we are even having to talk about this today. We ought to have a better neighbor on the border than Mexico has proven to be. I know they have economic incentives and reasons why they want their citizens to come illegally into our country, but they should not be put in a position of being tipped off to where citizens of this country are who are performing a service that, here again unfortunately is one that the Federal Government itself ought to be performing in a better fashion, and that is patrolling our borders.

It is regrettable that the Mexican government sometimes knows more about what is going on on our side of the border than we appear sometimes to know ourselves. The Minute Men have provided a service. It is a service that perhaps should be unnecessary if the Federal Government were doing its job adequately and appropriately.

I commend the gentleman from Georgia for offering this amendment, and I urge this body to support it.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to my friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman for offering this amendment, and also I am thankful to hear from the other side of the aisle that they believe we should go forward and that this doesn't add anything to it other than what existing law is the case.

I hope that is the case, because it was last month I sent a letter to the U.S. Customs and Border Protection, and I did that in response to an article in the Inland Valley Daily Bulletin and reports on various media outlets that stated the U.S. Border Patrol had in fact been informing the Mexican government of the location of the Minute Men and other similar U.S. patrols throughout the border. I sent that letter specifically to say what is our policy, or how are they conducting themselves.

It was also reported that the U.S. Customs and Border Protection spokesman told the media outlets that the policy is meant to ensure the Mexican government that the migrant rights are being observed.

I applaud the gentleman for doing the amendment because we know at the end of the day we here in this

House are most concerned about the rights of the American citizens and the safety and protection of the American citizens, and I think his amendment goes a long way to making sure that our rights, our citizens' rights and their safety will be protected so that this information is protected and kept here.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for his support and comments, and I thank my friend from Minnesota on it.

Out of an abundance of caution, I do plan to ask for a recorded vote on this. And the caution is not with anybody in this Chamber, but with our friends in the bureaucracy outside of here; that sometimes we need to have a little statement for them.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

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

Mr. KINGSTON. 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 Georgia will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

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

SEC. ____ . None of the funds made available in the Act may be used to reimburse L.B. & B. Associates, Inc. or Olgoonik Logistics, LLC (or both) for attorneys fees related to pending litigation against Local 30 of the International Union of Operating Engineers.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, my amendment would prohibit funding in this bill from being used by the Department of Homeland Security to reimburse a private corporation for attorneys' fees and any other legal expenses incurred during their appeal from a recent and impartial National Labor Relations Board decision to reinstate employees who were unfairly fired from their jobs at the Plum Island Animal Disease Center, which is a DHS facility located off the North Fork of my district on Long Island.

The Plum Island employees were hard-working members of the International Union of Operating Engineers, Local 30. They were loyal to DHS and

to the research facility on Plum Island. In 2002, they were fired on grounds that the NLRB recently found were unjustified. Adding insult to injury, the employees were also denied back pay and benefits for over 3 years of missed work. And now their employer wants to appeal the administrative decision of an impartial arbiter to put them back to work and award them the back pay and benefits they are due.

I hope that my colleagues would agree that spending money in this bill to reimburse a privately-owned joint venture for attorneys' fees and to further extend this already long and protracted litigation is an entirely inappropriate use of DHS funds. More important, it would negate the intended use as appropriated by this Congress and detract from what should be the primary focus of the Department, defending our homeland and keeping Americans safe from foreign sources of terrorism.

For instance, the funds my amendment blocks would be a lot better spent protecting the two cities attacked on September 11th that are now short-changed \$114 million due to the Department's decision to slash anti-terrorism funds from major urban areas.

Mr. Chairman, it is long past time for this case to be resolved, to stop harassing the Plum Island employees, allow them to return to their jobs and restore their benefits. I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. BISHOP of New York. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Does the gentleman offer the amendment as the designee of Mr. KUHLM?

Mr. PRICE of Georgia. I do.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

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

SEC. ____ . The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENTAL MANAGEMENT AND OPERATIONS—OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT", and increasing the amount made available for "OFFICE OF GRANTS AND TRAINING—FIREFIGHTER ASSISTANCE GRANTS" (for increasing the amount under such heading to carry out section 33 of the Federal Fire Prevention Control Act of 1974 by \$2,100,000, and increasing the amount under such heading to carry out section 34 of such Act by \$2,100,000), by \$4,200,000.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

The Department of Homeland Security awarded a contract to a private company for limousine and shuttle services for its employees for \$22 million. All of our budget discussions are indeed discussions about priorities, and Mr. KUHL and I would suggest that this simply is an issue of priorities. This amendment shifts \$22 million in funds previously used to pay for limousine services to increase the much-needed FIRE grants program.

Created by Congress in 2003, the SAFER Grants are meant to help communities with career, volunteer, and combination fire departments to meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security. These SAFER Grants will help fire departments meet these minimum industry standards prescribed by National Fire Protection Association Standards 1710 and 1720.

It seems to both Mr. KUHL and to me that our priorities as a Nation should be for FIRE and SAFER Grants and not limousines, and I urge my colleagues to support this amendment.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first, let me say that, as written, this amendment does not accomplish what the gentleman, I think, has described, but I do understand the intent of the amendment, and I agree with the gentleman's concerns about the various allegations that have been made about this service.

However, I would like to point out that the Inspector General's office is investigating this 5-year contract to see if there is any impropriety. If there is, the contract will be terminated.

The intent of this amendment is to bar DHS employees from using "limousine services." But it does not define what that means. It could have some wide-ranging impacts if it is not defined.

For example, with no definition, it could be perhaps used to stop FEMA crews from contracting buses to get to disaster areas. It could shut down bus shuttle service between the various DHS campuses in the D.C. area. And it could prevent employees from taking taxis from airports while they are on official travel. These are very impractical limitations for a department we expect to act quickly in time of emergency.

So I would hope at some point in time, if this amendment passes, that there could be some way to define what is prohibited. But even with these concerns and these reservations, I am willing to accept the gentleman's amendment.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Kentucky for his comments and appreciate his concerns regarding the wording and the accuracy thereof, and we look forward to working with him as this process moves forward, and I appreciate his support of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

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

SEC. ____ . None of the funds made available in this Act (1) under the heading "OFFICE OF GRANTS AND TRAINING—STATE AND LOCAL PROGRAMS" may be used for puppet or clown shows, gym or fitness expenses (including equipment, training, memberships, and fees), or nutritional counseling, and (2) under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY—ADMINISTRATIVE AND REGIONAL OPERATIONS" may be used to purchase or pay for adult entertainment, bail bond services, jewelry, weapons, or fines for prior traffic violations.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Pursuant to the order of the House of May 25, 2006, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do recognize the point of order, and I will address that at the very end.

Mr. Chairman, I drafted an amendment here to highlight in essence the mismanagement of money in two specific agencies or programs funded by this bill, FEMA and the Homeland Security Grants program.

There is no one in this body that knows our threat to this Nation better than I. The district that I have the honor and privilege of representing borders the Hudson River and downtown New York City is basically within eyesight of our district. There were tragically far too many people from the Fifth District of New Jersey who

lost their lives on September 11. So my top priority since coming to this body has been and will remain homeland security.

The threat to our Nation and the residents of northern New Jersey is still very real. Law enforcement agencies are stretching every penny to purchase equipment, vehicles, medical supplies, and radios, but they do not have enough resources. On too many occasions in this body, I have fought for more resources to be brought to New Jersey and other high-risk areas.

With that being said, it pains me that as my neighbors and friends, living in my region of such high risk, the Department of Homeland Security is still using a portion of our limited resources for things that will keep no one safer and make no taxpayer happier.

It has come to my attention that the DHS has provided grants for example to fire departments to pay for things such as fitness equipment, nutritional counseling, clown and puppet shows, no less. Now, Mr. Chairman, I think clowns are as funny as the next guy, but I don't think the ability to be funny is what it is about when we are trying to help people during the next terrorist attack.

Looking next to FEMA, similar examples illustrate the need for additional oversight of FEMA, the Federal Emergency Management Agency. Since Hurricane Katrina tragically hit the gulf coast, we have heard of numerous examples of mismanagement, neglect, wasteful spending, and even fraud that has prevented hundreds of millions of dollars from helping any of the victims of the storm.

Now, my time is limited here, so I will highlight just some of the most egregious examples. There have been five, five separate government reports by the GAO and other bodies that detail these problems. They have provoked the universal outrage in mismanagement, and here in this amendment we try to address it.

Specifically, my amendment calls attention to the utter mismanagement of the debit card program. As you may recall, FEMA gave out \$2,000 debit cards with no verification process for eligibility. People took advantage of it.

□ 1515

Among the many "necessary" items that people did for survival were adult entertainment, bail bond services, jewelry, and of course what every victim of a hurricane has to worry about, traffic tickets.

Another example of waste, FEMA spent almost \$900 million to store nearly 25,000 manufactured homes around the country mainly because they prohibited themselves from putting them in flood plains, such as New Orleans. In addition, FEMA let almost 11,000 unused manufactured homes sit in open fields in Arkansas, while at the same time paying people's hotel bills of \$438 per night to stay in a hotel in New York City.

Further, a GAO report said 2.5 million Hurricane Katrina evacuee registrations were done, and 60 percent were done over the telephone, meaning there was no verification process at all as to who these people were who were getting these dollars.

A study found that as many as 900,000 applicants used bogus Social Security numbers, duplicate Social Security numbers or false addresses and still received funding. There are other examples more numerous.

As we pass this bill today and provide billions of taxpayer dollars to an agency that has practiced questionable responsibility for the funds that we appropriate, I strongly urge this body to work on methods to hold FEMA even more accountable, to a higher standard of level of accountability. There has been too much waste, fraud and abuse in these very important areas of homeland security and dealing with natural disasters.

We can and must do a better job with our security dollars. I look forward to working with the chairman as we move forward to work for better oversight in these areas in this Congress and in the future.

Mr. Chairman, I ask unanimous consent to have my amendment withdrawn because I acknowledge that it is not in order.

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

There was no objection.

AMENDMENT OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS of Kentucky:

SEC. _____. The amounts otherwise provided by this Act are revised by increasing the amount made available for "United States Secret Service—Protection, Administration, and Training" and the amount made available for "Federal Emergency Management Agency—Readiness, Mitigation, Response, and Recovery" by \$2,000,000 respectively.

The Acting CHAIRMAN. Pursuant to the order of the House of May 25, 2006, the gentleman from Kentucky (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Now that pretty much everything is said and done on this appropriations bill, according to CBO scoring, the bill is now under its section 302(b) allocation by \$4 million. My amendment simply takes that \$4 million and makes modest funding adjustments to two accounts: FEMA's Readiness Mitigation Response and Recovery program and the U.S. Secret Services Protection Administration and Training program.

Mr. Chairman, the FEMA dollars will be used to continue work to upgrade the National Response Plan. For the

Secret Service, funds will be used to support critical protective operations.

This amendment has been cleared by both sides of the aisle, and I ask that it be agreed to.

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

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

Mr. SABO. I thank the gentleman for his amendment. It is a good amendment, and I hope it is passed.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. ROGERS).

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word and yield to the gentleman from New York for a colloquy.

Mr. SWEENEY. Mr. Chairman, I rise to engage in a colloquy regarding the fiscal year 2006 high-density high-threat urban area security initiatives, and I do so recognizing that we are in the process of debating and discussing the 2007 bill, and so the relevance is of some importance.

Last week, DHS released the funding allocations for the 2006 homeland security grants program. I was extremely disappointed to see New York's overall allocation for the UASI program decreased by almost \$83 million.

It is tough to understand why, considering New York City remains the highest target to terrorism. New York has been attacked and targeted not once, but multiple times; and its security is a national concern.

In fact, a Pakistani immigrant was just convicted last week for attempting to blow up a subway station at Herald Square.

I have been fighting for a threat-based funding formula for several years because homeland security funding should be based on population, threat, vulnerability, and consequence. The program should never be used for pork spending. The formula I have been fighting for will benefit the areas that need it the most: those that face threats like New York City, Boston, Philadelphia, San Diego, Washington, D.C., Los Angeles and many others where we know real threats exist.

This debate is not a fight between rural and urban areas, and I would point out that I represent the 32nd most rural district in the country, and I know rural areas have essential infrastructure to protect as well. I learned from 9/11 that urban and rural areas are linked in terms of economics; and, frankly, as Americans, we all have the same concerns, so we must look for productive investments from DHS.

Mr. Chairman, I respectfully request your consideration to join with me in working toward a solution in addressing the process in an oversight hearing.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, first, I want to thank the chairman and ranking member again for their hard work on this bill. The challenges of this bill and this subcommittee include not only setting these essential priorities for our country's security, but also keeping a close watch on the Department to make sure that those priorities are carried out and that the resources provided are well spent.

Chairman ROGERS and Mr. SABO have done a great job on both accounts, and it is in recognition of their past vigilance that we now raise our concern.

As my friend from New York mentioned, last week the Office of Grants and Training, and I should note that this office has changed management and changed names twice in 3 years, announced the State allocations under the Urban Areas Security Initiative. The allocation for the State of New York through this program is 42 percent less than its allocation from last year.

Mr. Chairman, we all know that the process for distributing these funds is a complicated one, but here is also what I know. I know that New York City remains the highest density urban area in the country and by far dedicates more of its own funds to fighting terrorism than any other municipality. I also know that New York City continues to be the financial center of the country. It is the site of Yankee Stadium and Shea Stadium, the site of the Empire State Building and the Statue of Liberty, and the former site of the World Trade Center.

I know that as the Department is still working out its processes for determining risk and threat, there is much room for error.

I would ask the chairman of the subcommittee if he shares my concerns and if he would be willing to hold additional hearings into this matter to make sure that every homeland security dollar is protecting as many Americans as possible.

Mr. ROGERS of Kentucky. I thank the gentleman for his comments. I understand the concerns of both gentlemen from New York, both very valued, hardworking members of the subcommittee, I might add.

I agree that the subcommittee should hold further hearings into this matter. We will be working to set up a closed briefing because we are dealing with classified material here. We will work with the gentlemen to set up a closed hearing to further look into the matter.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1716

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHWARZ of Michigan) at 5 o'clock and 16 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 5254, REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 842 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 842

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5254) to set schedules for the consideration of permits for refineries. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. LINCOLN DIAZ-BALART of Florida. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit.

Mr. Speaker, over the last several years, we have seen gasoline prices increase steadily in the United States. The rising cost of gasoline can be attributed to several factors, including

increased demand in the United States and in other countries such as China and elsewhere, decreases in oil production in politically unstable countries, including Venezuela and Nigeria, and a lack of refinery capacity in the United States.

In the last 24 years, our refinery capacity has dropped from 18.62 million barrels a day to less than 17 million barrels a day. This at the same time that our gross domestic product has increased in current dollars from 3.1 trillion to 12.4 trillion. Because of the sustained growth of our economy and the fact that we have not built a new refinery in almost 30 years, we are now forced to import over 4 million barrels a day in refined products, and that is when our refineries are running at full capacity.

Any changes in our refinery capacity can cause supply constraints and price spikes, especially in the gulf coast, where we have approximately half of our refinery capacity. And that is exactly what happened when the Hurricanes Katrina and Rita hit the gulf coast, causing gasoline prices to rise almost 50 cent a gallon. 2 months after the storms hit we still had lost almost about 18 percent of our refining capacity, leading to sharp price increases.

In order to prevent the steep increases in gasoline prices that we saw after Hurricanes Katrina and Rita, and to try to moderate the continuing price increase, we must make certain that we build new refineries to meet our current demand and to prevent a loss of capacity due to another hurricane, or a terrorist attack for that matter. Without an increase in our refinery capacity, we will be at the mercy of countries such as Venezuela for the importation of refined oil products. Now, these countries are not reliable sources of refined products due to their politically unstable and/or unfriendly governments.

One of the biggest challenges to the building of new refineries was pointed out by Daniel Yergin of the Cambridge Energy Research Associates during a hearing in the House Energy and Commerce Committee. Mr. Yergin stated that, and I quote, "the building of new refineries has been hampered by costs, citing and permitting."

Mr. Speaker, H.R. 5254 would help alleviate some of the problems associated with the building of new refineries. The legislation directs the President to appoint a Federal coordinator to manage the multi-agency refinery permitting process. Working with the governor of any State where a refinery is proposed, the coordinator will begin by identifying and then convening all relevant agencies to coordinate the schedules for action so that no process called for in statute or regulation is short-changed, and public input opportunities are preserved, but also to allow the project to proceed as fast as otherwise possible. The goal of this legislation is to eliminate needless delay from agencies that are either dragging

their feet or simply acting in sequence when parallel action would be more efficient.

Bringing new refineries online will ease our reliance on foreign sources of refined products and will also allow us to have enough refinery capacity to meet the needs of our growing economy while providing a back up if any of our refineries are shut down for an extended period of time.

Mr. Speaker, the House has already taken steps to help lower the cost of gasoline. Last month we passed legislation to combat price gouging as well as legislation to open up ANWR to environmentally friendly energy development. However, more must be done. The underlying legislation is just another step in our continued efforts to provide relief from the high cost of gasoline.

H.R. 5254 was introduced by Representative BASS. A majority of the House has already voted in favor of this legislation. However, the bill did not pass because it was brought up under suspension of the rules and it did not obtain a two-thirds majority. Now we have another chance to pass this bill which is important to our energy needs and our growing economy.

I would like to thank Chairman BARTON and Representative BASS for their leadership on this issue. I urge my colleagues to support both the rule and the underlying legislation.

And at this time, Mr. Speaker, I reserve the balance of my time.

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

I thank my friend, the gentleman from Florida, for yielding me time.

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

Ms. MATSUI. Mr. Speaker, when I was home in Sacramento last week, one constant topic of conversation was gas prices and energy policy. I heard several different perspectives on the issues.

Many working families told me they are having to adjust their monthly budgets to offset the cost of \$3 a gallon gas. Other individuals expressed concern about global warming and how our dependence on fossil fuels is driving dangerous climate change.

Still others told me they are worried that our economy and our national security are frighteningly dependent on unstable oil producing countries like Iran, Venezuela and Nigeria.

From speaking with my colleagues, it is clear that Americans are echoing these concerns across the country. So I would hope that we could all agree that our constituents, from Sacramento to Miami, want Congress to do something substantive about gas prices and energy policy.

Unfortunately, today's debate represents another missed opportunity for strategic long-term national energy policy. Today we could be addressing the pressing issues raised by my constituents and yours. But we are not.