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No. 96—Part II

## House of Representatives

### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008—Continued

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I appreciate being able to offer this amendment tonight. What I would like to do is establish the legislative history for a pilot project that would help eradicate a tactical cover along the Rio Grande.

My amendment simply adds \$5 million to title II and subtracts \$5 million from title II, but would take \$5 million from the environmental regulatory assessments funding, which would lower that back to what the President requested.

□ 2300

The Border Patrol would use this money to create a pilot project to eliminate, eradicate, noxious, invasive species of weeds along the Rio Grande. The Rio Grande creates the border between the Republic of Texas, United States, and Mexico; and many long stretches are inundated with a noxious weed such as Russian olive and salt cedar. These weeds can grow from 10 to 15 feet in height. They provide excellent tactical cover for anyone trying to sneak across the border, or in what is on this side of the United States, stage in ways that our Border Patrol agents can't see them.

I have spoken with leadership of the Border Patrol, along with former sector chief Simon Garza for the Marfa sector in relation to this project, and it is an idea that they would support if they were able to get funding for that.

This is a win on two different levels. One, it would eliminate this tactical cover that the folks trying to sneak across could use, and it would make

our cameras and UAVs much more effective because of the loss of that cover. But it would also have a conservation issue in that these weeds, such as the salt cedar, will use up to 200 gallons of water a day. If these weeds were eliminated along the Rio Grande, that would put additional water in the Rio Grande, which would of course make that much better of a barrier to folks trying to sneak into this country.

The safety of our Border Patrol would be improved as they walk up and approach the river. If this cover was eliminated, they would be able to see what was going on along our border to better do their job.

This amendment would also ask or require that the Border Patrol report on how they spent the money and whether or not this is a program that they would want to pursue going forward.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman has offered a very thoughtful amendment. I think it is worthwhile, and I would like to add my name to it and support it.

Mr. CONAWAY. Thank you, sir.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman for a very useful amendment. The amendment would shift some funding around in ways that I think are well justified. It would apply \$5 million to study the eradication of invasive cover species such as Cariso cane, Russian olive trees, salt cedar. It is a well-crafted amendment and I am happy to support it.

Mr. CONAWAY. I accept that.

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

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

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$477,287,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, except aircraft that are one-of-a-kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds under this heading may be obligated for procurement of additional unmanned aerial systems until the Commissioner of United States Customs and Border Protection certifies to the Committees on Appropriations of the Senate and House of Representatives that they are of higher priority and more cost effective than other items included in the Air and Marine Strategic Re-capitalization and Modernization plan.

AMENDMENT NO. 106 OFFERED BY MR. SOUDER

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 106 offered by Mr. SOUDER:

Page 16, line 20, strike “Provided, That no aircraft” and insert “Provided further, That no aircraft”.

Page 16, line 20, insert after the colon the following: “Provided, That of the amount made available under this heading, \$100,000,000 may not be obligated until Congress receives a report detailing the number of requests United States Customs and Border Protection receives for use of air and marine assets by United States Immigration and Customs Enforcement and other Federal, State, and local agencies and the number of such requests that are denied.”

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

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 3½ minutes.

Ever since we created the Department of Homeland Security, we have had a problem of what to do with our air assets.

This amendment would hold \$100 million from the Customs and Border Protection, CBP, Air and Marine interdiction, operations, maintenance, and procurement account until a report is received detailing the number of requests CBP receives from the use of assets and the number of those requests that are denied.

One of the problems we had when we, in effect, set up ICE and CBP was to do with the division called Air and Marine. Air and Marine Division did not stay parked right along the border. The Air and Marine Division has assets down in Colombia. They have assets in the Caribbean, assets in the Eastern Pacific, assets at various points, because the whole point of the Air and Marine Division was both with boats and air to be able to follow in particular drug traffickers, other traffickers of contraband in high value or mass targets in the sense of illegal immigration or of terrorism.

But when we put the air assets underneath CBP and they put them under Border Patrol, the nature of what we were doing with our Air and Marine assets have fundamentally changed.

As the now ranking member of the Border Subcommittee and a member of the Homeland Security Committee since its creation, I have spent a lot of time on this issue, as well as being head of Speaker HASTERT’s drug task force. I have spent my entire career working on narcotics issues. This has been a huge issue. In particular, one of our problems right now is that many, if not all, of the critical assets are now more or less chained to the border; that one of the P-3s, which are critical for long-range surveillance, right now,

because of their usage, and it hasn’t been made a priority because the maintenance is going to the helicopters along the border, all 16, and let me repeat, all 16 air assets that are supposed to be used in counternarcotics are now down for serious maintenance, leaving the counterdrug mission severely impacted. And if we can’t work out to some degree over in the Florida and the Gulf of Mexico range, they fixed this short term by having legacy Air and Marine or Customs pilots be the regional Border Patrol people and managing their assets. But along the border, we don’t have that luxury.

We have been trying in the authorizing committee for some time to get a report from the agency, and I have spent hours with the relevant people in my office, as well as questioning at hearings, trying to get the data of how exactly they are using these assets. What are they denying? ICE can’t get the assets to do the big-risk things. This has been one of the historic conflicts between these agencies.

I support a picket fence. We need to have a border fence. But you also have to have the ability to go behind and forward and track and take down systems. And Air and Marine is a critical part of this, and we need this report. And I hope that if we can’t work this out tonight, that it can be worked out in conference committee, because this must be resolved.

May I inquire of the chairman of the subcommittee for a brief, informal colloquy here, would you be willing to continue to work with me on this subject and with the Department of Homeland Security, because it is very critical to how we are going to do counternarcotics and high-risk terrorism and how CBP is going to work with ICE in resolving the Air and Marine issue?

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for raising this issue. And I am, of course, willing to work with him on this.

I do not believe the withholding of the \$100 million is necessary or desirable in this case. But I believe we need to get the confirmation that you are talking about from CBP, and I am not eager to delay the release of needed funds, but I certainly am willing to work with the gentleman to make certain that we get the information we need and the confirmation that we need that the agency is on track.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, I thank the chairman, and with that assurance, I am not really anxious to hold up any money in this bill either. But I would like them to be accountable to Congress because they have not resolved how they are going to move and deal with Air and Marine assets related to ICE and investigations. They sometimes have even sent helicopters where we needed a P-3. This just isn’t functioning, and nar-

cotics terrorism is ripping up this country. We have 20,000 to 30,000 deaths a year. And if we have loads of cocaine coming in, loads of heroin coming into our society, because we have got all our planes lined up on the border and our P-3s down, it will not function. And with your assurance that you will continue to work with this, watch this, and we continue to talk about it between the authorizing and the appropriators, I will be happy to withdraw my amendment tonight.

Mr. PRICE of North Carolina. Will the gentleman yield?

Mr. SOUDER. I will yield.

Mr. PRICE of North Carolina. It is my expectation that CBP Air and Marine with enormous aviation and maritime operations, they should have as one of their priority missions supporting the investigative or other DHS agencies, in particular ICE. That was done by the legacy Air and Marine arm of the old Customs Service, and it should not decline.

So I appreciate the gentleman’s raising the matter. I am happy to work with him to further the issue he has raised.

Mr. SOUDER. Thank you.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 98 OFFERED BY MR. MCCAUL OF TEXAS

Mr. McCaul of Texas. 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. 98 offered by Mr. McCaul of Texas:

Page 17, strike the proviso beginning on line 2.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. McCaul) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. McCaul of Texas. Mr. Chairman, H.R. 2638, as currently written, prohibits the use of funds for additional unmanned aerial vehicles, or UAVs, until the Customs and Border Patrol informs the House and Senate Appropriations Committees that their use is cost-effective. I submit today that they are worth every penny. My amendment would strike that provision which would otherwise be protected by the rule.

These eyes of the sky bring exceptional operational capabilities to the table. They can stay airborne for 30 to 40 hours and can carry state-of-the-art technology through day and night cameras, radar tracking systems, and other surveillance tools.

UAVs working the borders have flown over 2,000 hours and aided in the arrests of nearly 3,900 illegal immigrants and the seizure of over 13,000 pounds of marijuana.

UAVs are not in sufficient quantities to provide economies of scale and, as such, will always be more expensive to operate than a pilot in a small aircraft. But, Mr. Chairman, cost is not the only consideration.

On March 20, 2007, a UAV detected and tracked six illegal aliens trying to cross the southern border. When border officials arrived on the scene, they seized 395 pounds of marijuana and arrested all six. Among the six was a fugitive wanted in Kings County, Washington, on charges of third-degree rape of a child.

We should be providing our border authorities with more technology and tools. We talked a lot about the fence but this is the technology piece. More technology and tools, not less. Had a UAV not detected the entry of those illegal immigrants, how many more children may have been victimized by sexual predators?

I think this is an important piece to our overall security of the border, and I urge my colleagues to vote in favor of my amendment.

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

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

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

Mr. FARR. Mr. Chairman, this is an issue that came up when our committee traveled to the border and had discussions with the Border Patrol. And what you are talking about here is striking language that gives some ability for comparing the expenditure of costs on one piece of intelligence equipment versus the other. And what the gentleman didn't tell you is that of all the assets on the border, this is the most expensive, \$10 million, \$8 to \$10 million per unmanned vehicle. The other assets that are on the border, which everybody agreed was much more effective, is the new radar system, which costs about \$700,000, that are portable.

We have others. We have balloons. We have helicopters. We have as many assets looking at the border as there are in Iraq. And what the language in the bill says is that before you go out and just buy more Predators at 8 million bucks, there is already \$50 million in the account and we want to know before you spend that whether it is cost-effective compared to other issues that you have to do.

You have on the border not only the Customs and Border Patrol, and I would submit that the arrests were not made by that unmanned vehicle, and I don't think that was the only system they used to discover that. It was just one. It happened to be a very, very expensive one. The radar systems are the most effective. The most effective. And you have responding to that Customs and Border Patrol that are in aircraft, in different kinds of helicopters, including Black Hawk helicopters, you have all-terrain vehicles, you have Bor-

der Patrol on horseback, you have Border Patrol with SUVs, with four-wheel-drive vehicles. You have all kinds of response mechanisms and all kinds of detection mechanisms.

But to suggest that we shouldn't even ask the question of whether an \$8 million expense is more cost-effective than another kind of assets, I think, is just ridiculous.

And, frankly, that is one thing the committee found out, that there isn't all the money you always want to spend on everything here. There have got to be some priorities. And if you have made the priority that of the Customs and Border Patrol, this is not what they would spend it on.

□ 2315

So I think the amendment and the language in the bill is particularly appropriate. It doesn't prohibit the expenditures. It just says before you come back and spend up to another \$8 billion, compare this to what other assets you can buy, and you make the suggestion to us as to what is the best expenditure of limited public funds.

Mr. McCUAL of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 2½ minutes remaining.

Mr. McCUAL of Texas. Mr. Chairman, let me simply just say we obviously do not have enough manpower down at the border. These "eyes in the skies," as we call them, provide the surveillance technology that is just absolutely critical to surveilling the border to stop this flood of illegal immigration and potential terrorism.

Mr. Chairman, with that, I would yield the remainder of my time to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I find it hard to believe my dear colleague from California can really believe that an unmanned observation platform like the Predator is not more cost effective than having a rotor wing with twin crews that have to switch off at least every 6 hours. Where you are able to do an unmanned observation, you can switch off crews while they're on site. You don't have to take the vehicles off station to be able to do the transformation from one crew to the other.

And I don't know what data, where you're getting the saying that the unmanned vehicle is somehow not as cost effective as having rotor-winged manned vehicles on site in very remote areas. It just doesn't pencil out. This is the same kind of argument we heard 5 years ago in the military saying unmanned vehicles would never work in some place like Afghanistan, where you and I know the great hero of the Afghan war was the Predator. So I've just got to say sincerely, you've been in government long enough to understand that putting a rotor wing, a major helicopter up with two individuals to do aerial observations com-

pared to an unmanned vehicle that has proven its technology over time and time again, that is able to stay on station, and this is one key along the border that most people won't talk about, they are able to stay on station so that the smugglers don't know when they're coming off station to switch crews to go down. A crew actually switches in the trailer on site. One guy says, you've got it now, Joe, I have it now, and the smugglers never know when you're going through. And to do the same kind of test to your manned vehicles and other aerial observations that you are proposing for this technology, this technology is the greatest success in the world.

Mr. FARR. Will the gentleman yield? Mr. BILBRAY. I will yield.

Mr. FARR. First of all, the Predator has to be monitored. There is manpower on the Predator. And as I recall, there are three people that it takes to fly it.

But that's not the issue of this, because you would have money to buy Predators. All it says is that the same people that operate them, Customs and Border Patrol, that this isn't a high priority for them. That is all it says.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. I am happy to yield such time as he needs to Mr. FARR to complete his argument.

Mr. FARR. Mr. Chairman, the language is that the very people that are operating these vehicles, the Customs and Border Patrol, certify that these are the higher priority and the more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan. It puts the burden on them. If this is what they think is the most cost effective, fine. It doesn't block it; it just says do that analysis.

I am really just surprised, because I sat here all these days and just heard riling after riling, people getting up on the other side talking about money, and we need to be very conscientious about how we spend money. There is language in there that says, Customs and Border Patrol, you certify that this is a high priority for you and it's cost effective. What's wrong with that? Why do you want to strike that language? It doesn't make any sense at all.

Mr. BILBRAY. Would the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield.

Mr. BILBRAY. You and I have both operated in local and State government and we've worked on this. If you really think that you should place that kind of condition on one technology that is a proven technology that even the military originally did not think was going to be cost effective and which

now admits that they were wrong to underestimate the cost effectiveness of, the fact is, why apply it to this technology and not apply that condition to every other application along here?

The fact is, this technology has been the breakthrough that has shocked the world. And it is absolutely astonishing that we would pick out the hero and the technology that opened the eyes to the fact that remote technology was a great breakthrough for effectiveness and cost effectiveness. Why would you back off from the fact of doing that and not apply to every other technology going except for this one?

Mr. PRICE of North Carolina. I'm happy to yield to Mr. FARR.

Mr. FARR. Because as the gentleman knows, this is an almost \$10 million per cost item. And you know what? The one we had crashed, and the other one we have is about to be delivered. And there is \$50 million in the account. If they want to come back and use that \$50 million to buy more of them, that's what we are asking. You tell us what is the most cost-effective use. Frankly, and I wish you were there, the new equipment that is coming out, this technology on radar, for 100 miles can detect when even rabbits are crossing the border. It's very cost effective. The Border Patrol is very excited about it. They would like to have more, but they can't because they're spending money like this.

So, with all due respect, these are professionals that are on the job every single day, you want to let them tell you what they think is the most effective tool to do their job. That is all this language does. I don't know why you would oppose that.

Mr. BILBRAY. Would the gentleman yield?

Mr. PRICE of North Carolina. I am happy to yield.

Mr. BILBRAY. I appreciate your concern. But again, I come back to the fact that you do not place the same condition on the other technologies. And if you want to do this, then let's talk about it through the entire technologies, that we are not going to apply that. And the fact is, history has proven, and even though you may not like to admit it, the things like the fence in San Diego that some people thought wouldn't work and the so-called experts said wouldn't work have worked extraordinarily well because we gave it a chance to work before we started cutting it off. And that is exactly what we are seeing here. This is a technology that has proven itself around the world, but you don't want to give it a chance to prove itself along our national frontier.

Mr. FARR. Don't read in this language what isn't there. That's not what it is about.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, let me say to the gentleman from California that this language, I think, could be widely applied. If he has items

he wishes to apply to it, he should propose that. We are asking simply for a determination that these items are of higher priority and more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan.

We focused on this system because there are particular challenges here. But as Mr. FARR says, it is just a basic principle of good responsible government.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. McCaul).

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

Mr. McCaul of Texas. 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 will be postponed.

If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

#### CONSTRUCTION

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, \$249,663,000, to remain available until expended.

#### UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$4,146,300,000, of which not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not to exceed \$11,216,000 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*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or a designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That at least once per month the Secretary of Homeland Security or a designee of the Secretary shall obtain information from every prison, jail, and correctional facility in the United States to identify incarcerated aliens who may be deportable and make every reasonable effort to remove such aliens judged deportable upon their release from custody.

AMENDMENT NO. 105 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. 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. 105 offered by Mr. KING of Iowa:

Page 17, line 23, after the dollar amount, insert "(reduced by \$5,000,000) (increased by \$5,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment strikes \$5 million and puts it back in. It is directed to encourage the promotion of the Basic Pilot Program.

We have had a number of hearings on this in the subject matter that has come before the Immigration Subcommittee of which I am the ranking member. And the statistics on that look very encouraging to the effectiveness of the Basic Pilot Program, the Employment Verification Program, if you will, or I will call it the "Instant Check Program."

What that program does is it allows an employer to take the information off the I-9 document from an employee applicant and introduces that into an Internet page, where that Internet goes off and checks the database of the Social Security Administration and the Department of Homeland Security and comes back and verifies if you have the documents before you and the information from the documents that ensure that that is a legal applicant, at least the documents from a legal applicant.

What we have seen is that 98.6 percent of the legal applicants are approved in the first try. And when they have to go back and clean up their records a little bit, you get to well over 99 percent accuracy within the Basic Pilot Program, and yet we don't have enough employers that are using it.

This has been the substance of many of the proposals for Comprehensive Immigration Reform on how we are going to hold employers accountable and how they are going to verify that the applicants before them are applying with real documents and if those documents identify real people that are lawful to work in the United States.

And so as much success as we have had with this, I want to ensure that we have the Department of Homeland Security promoting the Basic Pilot Program. They have the dollars in their budget to do that. This just commits those dollars and dedicates \$5 million to promotion of the Basic Pilot Program.

I will say that I have this program. I have run it myself. I have tried to fool it, everything I could do. The longest

delay I could create was 6 seconds on an applicant, and the error rate, of course, is minimal.

I would add that if we have flaws in our database, it isn't necessarily a problem with the Basic Pilot Program. It may well be that the Social Security Administration records are wrong, or the Department of Homeland Security criminal records in the NCIC perhaps need to be corrected. So the only way that I can see that you can complete that narrow area, that less than 1 percent that are flawed, is to use the program. If you use the program, you clean up the mistakes.

That is what this amendment does, Mr. Chairman, is it directs \$5 million and encourages the Department of Homeland Security to promote the Basic Pilot Program. And this has been something that has been consistent with those that promote the Comprehensive Immigration Reform plan, as well as those of us who believe we should do enforcement first.

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

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

I mainly am confused about exactly what the gentleman is proposing and would like to try to clarify it if I might.

The effort here is to attempt to carve out \$5 million for the ICE Mutual Agreement Between Government Employers Program, which he is, I believe, confusing with the Basic Pilot Program. ICE does not administer the Basic Pilot Program. The bill already includes \$30 million for CIS to carry out Basic Pilot.

And it is indeed a well-regarded program to do exactly the same thing as the gentleman is describing here. But I don't understand the rationale for carving \$5 million out of the ICE budget for a program that, as I understand it, would be totally duplicative. So maybe you can clarify.

Mr. KING of Iowa. I appreciate the gentleman yielding.

This is actually an amendment that I offered a previous year or two. And I don't recall if it was successful or not, I actually think it was, but I can't speak to that factually here tonight. But I can say that since ICE has the authority to go in and enforce on the work site, and they do do that, that also puts them in a position, in their cooperative effort with employers, to be able to use these resources to promote the Employment Verification Program, or the Basic Pilot Program, within the auspices of their regular enforcement, where they are interrelating with the employers on the work site.

Mr. PRICE of North Carolina. I'm sorry. I believe the gentleman is mistaken about the bureaucratic location of the Basic Pilot Program.

The concern he expresses is certainly a legitimate one. Given the fact that we may be talking about duplicative

efforts here, though, could I suggest that the amendment be withdrawn and we work with him as we go to conference to see how we might accommodate his concerns.

Mr. KING of Iowa. Will the gentleman yield?

Mr. PRICE of North Carolina. I will yield.

Mr. KING of Iowa. I appreciate the privilege to make another point, and that is that I believe that since we have ICE working all across this country, working with many of the employers, that the knowledge base and the promotion of Basic Pilot would be something that would be mobile and portable and flexible.

□ 2330

Since it is an Internet-based program, all of these employers, at least the larger employers, have computers and Internet access. So the flexibility of this and the mobility of it I think is clear. The message that comes from this I don't think constrains ICE, but encourages them to do something I think they should be doing as part of their overall process.

I would encourage the chairman to consider my remarks in his response.

Mr. PRICE of North Carolina. Mr. Chairman, is the gentleman saying he is willing to withdraw the amendment?

Mr. KING of Iowa. The gentleman believes that this is a well thought out and constructive amendment, and although I appreciate the sentiment of the chairman, I would be reluctant to withdraw the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, I can understand the need for flexibility and for these programs not to be in totally separate spheres, but I just have to say that CIS administers the Basic Pilot Program. It can't be in two agencies. The bill has \$30 million for this purpose. I simply do not, cannot, grasp the rationale for carving \$5 million out of the ICE budget for the same purpose. There does seem to be confusion here. That is why I am offering to take the concern forward and suggesting the amendment be withdrawn.

Mr. KING of Iowa. If the gentleman will yield further, I hope I have made my point that ICE is in a position to enforce. They are hands-on with the employers in the work site, and that is where the utilization of Basic Pilot takes place. I believe it is incumbent upon this Congress to encourage that ICE incorporates the promotion and education of this as part of the work that they do as they interrelate with the employers. Not just go in and raid and lock people up and haul them off, but to help work so employers can have confidence.

If we leave this strictly within USCIS, they are not out into the employer workforce. They don't have that access to employers in the fashion that ICE does.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, Basic

Pilot is a program which lets employers check the employment status of people they are hiring. It is not an enforcement program, and it can't be located in two agencies. So I have no choice but to oppose the amendment.

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

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I thank the gentleman from Iowa, and I do rise to support his amendment.

As a point of clarification, I think the gentleman from Iowa, who has worked in the business world and has dealt with ICE on employment issues, has such a good understanding of how this works. To the esteemed chairman from North Carolina, who has spent much of his life in academia, I think that what we have got is apples and oranges and what we need to do is pull it together.

Having trained people with ICE who are in the field, who actually would help encourage employers to use this program, it is an important part of internal enforcement for our employers, knowing how to use it, having that tool to be certain that they know how to use the Basic Pilot Program, to be certain that individuals who are going to work for them are indeed who they say they are and that they are in the country legally. That is important for employers. It is an important tool for having immigration enforcement in this country.

Mr. KING of Iowa. Mr. Chairman, moving forward in my last minute in conclusion, I just want to emphasize that ICE is out there in the field and they are dealing with employers on a daily basis face-to-face. USCIS is a stationary operation and they operate out of their offices wherever they might be located with the databases they have and the access that they have to the information. But USCIS wouldn't be in a position to come out and promote Basic Pilot on a face-to-face basis with employers.

I would say the only entity out there that has better capability of interacting with employers, other than ICE, would be the IRS. It may be a good idea for us at some point to take up the idea of eliminating the tax deductibility of wages and benefits paid to illegals and let the IRS help with this enforcement.

But what this amendment does is it encourages and directs that ICE go out and interact with the employers and promote with \$5 million the utilization of the Basic Pilot Program.

Mr. Chairman, I urge the adoption of the amendment.

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 noes appeared to have it.

Mr. KING of Iowa. 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.

The Acting CHAIRMAN. If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

#### FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That none of the funds provided in this or any other Act, and none of the revenues or collections of security fees credited to this account, may be obligated for any activity that reduces the number of in-service Federal Protective Service police officers below the number of such officers as of October 1, 2006, unless—

(1) the Director of the Federal Protective Service provides to the head of the relevant lead State and local law enforcement agencies for the jurisdiction concerned a report on the number and type of cases handled by the Federal Protective Service police in that jurisdiction for the previous two fiscal years;

(2) the Director of the Federal Protective Service negotiates a Memorandum of Agreement with the head of each relevant State and local law enforcement agency for the jurisdiction concerned that explains how the work identified in the report described in section (1) will be addressed in the future; and

(3) the Director of the Federal Protective Service submits copies of each report under paragraph (1) and each memorandum under paragraph (2) to the Committees on Appropriations of the Senate and the House of Representatives by not later than 15 days before the number of in-service Federal Protective Service police officers is reduced for the concerned jurisdiction.

#### AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$30,700,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may 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—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

#### CONSTRUCTION

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, \$6,000,000, to remain available until expended: *Provided*, That none of the funds made available in this or any other Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain illegal aliens until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for carrying out that privatization.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,198,535,000, to remain available until September 30, 2009, of which not to exceed \$10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed \$4,218,194,000 shall be for screening operations, of which \$560,000,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed \$980,116,000 shall be for aviation security direction and enforcement: *Provided further*, That security service fees authorized under section 49490 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$2,488,310,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009.

##### SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$41,413,000, to remain available until September 30, 2009.

##### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$49,490,000, to remain available until September 30, 2009: *Provided*, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, then the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

##### TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$526,615,000, to remain available until September 30, 2009: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives no

later than 60 days after the date of enactment of this Act a detailed expenditure plan for checkpoint support and explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2008: *Provided further*, That notwithstanding any other provision of law, the acquisition management system shall be subject to the provisions of the Small Business Act (15 U.S.C. 631 et seq.).

#### FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$722,000,000.

#### 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, which shall be for replacement only; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$5,885,242,000, of which \$340,000,000 shall be for defense-related activities; of which \$24,500,000 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 \$20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

#### AMENDMENT NO. 107 OFFERED BY MR. SOUDER

Mr. SOUDER. 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. 107 offered by Mr. SOUDER: Page 25, line 3, after the first dollar amount, insert “(reduced by \$21,500,000)”.

Page 31, line 13, after the dollar amount, insert “(reduced by \$8,000,000)”.

Page 26, line 10, after the first dollar amount, insert “(increased by \$29,500,000)”.

Page 26, line 22, after the dollar amount, insert “(increased by \$29,500,000)”.

Page 26, line 25, after the dollar amount, insert “(increased by \$29,500,000)”.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment in effect transfers money from the alteration of bridges account, \$8 million, and \$21.5 million allocated from the operating expenses allocated to airborne use of force account, and moves it over to buy a Coast Guard maritime patrol aircraft.

The challenge here in Deepwater, which has had admitted problems, but which is one of the most important long-term programs of the Coast Guard for reaching out into beyond just harbor patrol to be able to protect our

country, whether it be illegal contraband, such as narcotics or anthrax or whatever, or high risk terrorists, is that we don't have enough assets that are operating and functional, and part of this is aircraft.

The MH-68, the HITRON, leases have expired, and we have moved to the M-65s, which are replacing them in the field. The Coast Guard then requested four more, to bring it up to 12, of assets that go out with the Deepwater Program. This bill already cuts Deepwater \$197 million. This is the only Coast Guard plus-up that we would have re-rated to Deepwater. They deeply need these air assets.

Now, one of the challenges here is, what is this \$8 million alteration of bridges account? The Coast Guard in the report language here, it suggests that the Coast Guard has asked and said we don't have people who maintain bridges and we don't want to do this. The committee is ordering the Coast Guard to do the bridges, rather than the Department of Transportation.

We also have a question of what is this \$21.5 million, and it looks like it is for an MH-68 that the Coast Guard didn't want in a lease that expired.

A former Homeland Security Department official now works for a lobbying firm who has been lobbying the Hill to continue this lease, in spite of the fact that the Coast Guard doesn't want the lease. We have been unable to identify which Members have actually been advocating renewing the lease that the Coast Guard doesn't want for a helicopter we don't need, and they cut the committee request from four to two for a helicopter the Coast Guard desperately needs and wants. This would put that back in.

While it is not absolutely clear whether this is a closet earmark, it hasn't exactly been coming forward on the helicopter part or the designation in this bill, which actually doesn't designate the \$21.5 million. It asks the Coast Guard to submit a plan. But the lobbyist has been all over the Hill today and recently saying this is for the MH-68 helicopter we don't want.

My amendment merely says, let's help Deepwater. Let's give them the helicopter they need and want, rather than giving them money they don't want for something they don't do that the Department of Transportation does in bridges and for a helicopter they don't want with an expired lease.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume in opposition to the amendment.

Mr. Chairman, this amendment would cut the Coast Guard operating expenses account, the budget that pays for military officers and personnel, by \$8 million. Given our country's need for port security, marine environmental protection and search and rescue operations, it doesn't seem like a very good time to be cutting back on Coast Guard personnel.

The amendment would also cut the alteration of bridges program by \$8 million. That is half of the budget for that program included in the bill. The amendment would instead move this money to the Coast Guard aircraft acquisitions budget in the Deepwater Program.

The question is not whether these aircraft are needed. We know that they are. But there is a serious question about whether the Coast Guard is or would be prepared to utilize the funding that the gentleman is suggesting. The Coast Guard's aircraft acquisitions are behind schedule. The newest planes that the service is buying have not even been shown to meet the Coast Guard's needs through flight testing.

So, again, as with many items in this budget, the question is not whether this is a worthy expenditure or a worthy object of expenditure. The question is what the traffic will bear in terms of next year's budget and the money that can be wisely and usefully spent. Our judgment, after carefully looking at this, is that the bill provides adequate funding for aircraft acquisition.

Moreover, these items that would be cut to make room for this funding would have a negative impact on the day-to-day operations of the Coast Guard. In particular, they would delay the replacement of bridges in a major way, bridges that are a hazard to maritime safety.

For all these reasons, though we certainly want to work with the gentleman in trying to push this aircraft acquisition forward. We want to do that in a prudent way, and we think this amendment is basically not helpful.

So we reluctantly urge a no vote.

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

Mr. Chairman, I believe that what the chairman was referring to was a general account of the things that I referred to which were inside the general account. I am not trying to cut funding for personnel. There is \$8 million in the bill for alteration of bridges. The report language says the committee denies the request to transfer personnel devoted to maintaining safe passage of marine traffic. That means that the Coast Guard had requested to the committee that they didn't want these funds. The reason they don't want the funds is they don't have personnel that does bridges. They said this should be, according to your report language, within the Department of Transportation's Maritime Division to do bridges.

I don't know what kind of fight is occurring between Transportation and Coast Guard here, but basically the Coast Guard wants the money to do their mission, not to do bridges, and this amendment tries to address this.

Then also in the airborne use of force, there is a discussion about the \$21.5 million, which just happens to be the amount that the lobbying firm is seeking to continue the MH-68

HITRON helicopter, which is a great helicopter, I have been in it, but it is not armed. It is outdated and they are moving to the M-65s. They have the M-65s on line or in production, the ones that you said that are off-the-shelf helicopters that they are now adapting, of which they had eight and they wanted four more and you gave them two more.

□ 2345

The money for the account that they don't want and don't have people to do and the 21.5 for a contract they don't want would buy the additional helicopter that they do want that's off the shelf and merely would need to be added to.

I would ask the chairman respectfully, can you identify who is requesting this, because we haven't been able to figure out who's pushing this MH-68 contract of which the amount of money is the exact amount of money. And the lobbyist is all over the Hill saying that that's what this is for.

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. The item that the gentleman is discussing, let me just clarify. We're talking about \$21.5 million. It requires that the Coast Guard shall submit a plan for the use of this money to the committee by November 1.

Mr. SOUDER. Reclaiming my time, can I ask the chairman a follow-up question?

Mr. PRICE of North Carolina. Well, it calls for a submission of a plan. It does not say how the money shall be spent otherwise.

Mr. SOUDER. I agree with that. My question then would be, given what we've been hearing and we have been suggested and it is all over that this amount just happens to be the amount that was proposed for the lease and that it's intended for a lease.

Will the chairman assure me that in fact the Coast Guard is submitting an independent request to you for 21.5 and it's not intended to buy an MH-68?

Mr. PRICE of North Carolina. Yes, I can assure you of that.

Mr. SOUDER. Thank you very much.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration

functions of the Coast Guard under chapter 19 of title 14, United States Code, \$15,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$941,767,000, of which \$20,000,000 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)); of which \$9,200,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$113,600,000 shall be available until September 30, 2010, for other equipment; of which \$37,897,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which \$82,720,000 shall be available for personnel compensation and benefits and related costs; and of which \$698,350,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, \$257,400,000 is for aircraft and \$219,500,000 is for surface ships: *Provided further*, That \$400,000,000 of the funds provided for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and lifecycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies lifecycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A-11, part 7;

(8) includes a certification by the Head of Contracting Activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements and that any apparent conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for

Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program;

(11) identifies use of the Defense Contract Auditing Agency; and

(12) is reviewed by the Government Accountability Office:

*Provided further*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2010: *Provided further*, That of amounts made available under this heading in Public Law 109-90 for the Offshore Patrol Cutter, \$68,841,000 is rescinded: *Provided further*, That of amounts made available under this heading in Public Law 109-90 and Public Law 109-295 for unmanned aerial vehicles, \$38,608,000 is rescinded: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

*Provided further*, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILBRAY:

Page 26, line 10, after the first dollar amount, insert “(reduced by \$150,000,000)”.

Page 26, line 29, after the dollar amount, insert “(reduced by \$150,000,000)”.

Page 39, line 14, after the dollar amount, insert “(increased by \$150,000,000)”.

Page 41, line 7, after the dollar amount, insert “(increased by \$150,000,000)”.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. BILBRAY) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BILBRAY. Mr. Chairman, after the tragedy of 9/11, the 9/11 Commission came forth with some very distinct recommendations. And one of their most distinct recommendations was that we need to have a secure minimum standard for identification within the United States. The REAL ID bill was our answer to that and it was a bipartisan effort to make sure that we correct a deficiency that was identified by the 9/11 Commission. My amendment is very clear. It strikes \$150 million out of the integrated Deepwater system program which has been identified with major problems, moves it over to a program that we all admit is underfunded and needs to be addressed and aids in the implementation of this most essential program.

All it says is that we now are going to commit \$150 million to the program which will raise it up to \$200 million to help our States fulfill their responsibility to provide viable, verifiable identification for every American and every legal resident within the United States.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in reluctant opposition to this amendment.

Mr. Chairman, the gentleman seeks to add \$150 million to fund REAL ID grants while cutting the Coast Guard's Deepwater program. I'm certainly sympathetic to the gentleman's basic idea of providing some funding for REAL ID. In fact, we added in this bill \$50 million that was not requested by the administration in order to put some seed funds out there, to get the department in gear to adequately assess what the Federal Government must do to assist States in complying with this Federal mandate, which many of us have heard concerns about from our home States.

I am certainly sympathetic with the idea of getting some seed funding out there for REAL ID. But I have to take issue with the offset, with the source of these funds. The gentleman is proposing to take \$150 million from the Coast Guard's Deepwater program.

Now, he rightly notes that the Deepwater program has had financial management problems. The committee is well aware of that. We have explored

them thoroughly both under the former chairman, Mr. ROGERS, and this year. Deepwater is one of the items in this bill that, while we place great importance on it, great emphasis on it, we are trying to make a very careful decision about the amount provided and the conditions under which it is provided.

The bottom line is that this bill is already \$197 million below the President's request for the Coast Guard's Deepwater acquisition program. There are reductions to projects with high carryover funding. There are reductions in projects where the lead asset, the first of a series to be purchased, has not yet been tested. In fact, we've been discussing some of those situations tonight. So we're reducing the program. We're also restoring accountability. \$400 million of Deepwater funding is withheld pending the submission of a detailed management and expenditure plan.

So we are well aware of the Deepwater challenges. But I think in light of the way we have dealt with them and the level of funding we have provided, another \$150 million cut would be most unwise. So my opposition is more out of a concern for that than it is out of any inclination to downplay the REAL ID challenge. It's more in terms of this offset that I have to oppose this amendment.

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

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

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

Mr. ROGERS of Kentucky. Like the chairman, I am sympathetic with the gentleman's concern about funding for REAL ID. It is a mandate that we put on the States that we need to match money for. And we've done that. As the chairman indicated, there's \$50 million in this bill which was unrequested by the administration. In addition to that, there's \$40 million that was put in this program in '06 and most of that is unobligated. So there will be around \$90 million that REAL ID has. So there's plenty of money, I think, in the REAL ID program. The gentleman, I think, should be pleased with that.

But at the same time, I must say that we can't afford to take more money out of the Deepwater program. This subcommittee has maintained aggressive oversight of that program. But this bill also makes, as the chairman said, substantial cuts already of almost \$200 million to Deepwater that will, in effect, slow down the program's acquisition schedule and delay the much-needed modernization of the Coast Guard's ships and aircraft.

Specifically, the bill cuts \$60 million from the National Security Cutter, \$70 million from the Maritime Patrol Aircraft, and over \$50 million from the Fast Response Cutter. Now, those reductions are made in the name of good oversight, but I fear that the security of shores will be further delayed by

these sizable reductions, and may unnecessarily prolong the operation of antiquated systems, some dating back to World War II.

We're confident the Coast Guard is putting in place the right managerial tools and controls and organizational improvements to get Deepwater heading in the right direction. But let me be clear. Mr. Chairman, no one has been harder on Deepwater than this Member. Too much of our national security is at stake for the Coast Guard to continue to struggle with inadequate managerial and budgetary controls. I think the commandant of the Coast Guard now has seized control of this program, and I am convinced that he is on the right track and will have the capability to make it work.

And so while we're cutting Deepwater in this bill and putting controls on how they spend their money, they still need this money, and this amendment would cut too much from the Deepwater program for a REAL ID program that is flush with money already.

So I oppose the amendment reluctantly and congratulate the gentleman for his thoughtful but misplaced amendment.

I yield back the balance of my time. Mr. BILBRAY. Mr. Chairman, there have already been three States that have opted out of REAL ID because they say they don't have the money to implement it. The terrorists of 9/11 did not slip through the Coast Guard along our coastline. I represent a coastal district. The fact is we need to make some priority decisions here. What is the real threat to the American people? The threat is the use of false identification to get on airplanes, to get access into government buildings, to do other types of wrongful deeds against the American people is because we do not have a secure ID today. The 9/11 report did not say a critical national defense purpose to defend our Nation from terrorism is that we need Deepwater. But they did say we absolutely need to have secure documentation within this country.

So we have to make a priority decision. And as somebody of a naval family, somebody of a coastal community, I understand the Coast Guard is important, but this is a priority decision. REAL ID not only should and needs to be implemented now, it should have been implemented years ago. But the lack of funding should not be an excuse for us to do the right thing that is essential. If you're not going to follow the 9/11 report, then why the heck even have the committee report? If you're going to follow the bureaucracy that says let's keep defending America the way we did for the last hundred years and not upgrade to the realities of today?

The 9/11 report has said, one of the first priorities must be securing our documentation. With this amendment, we will be saying we will not only be economically viable, we will be intellectually smart in the way we defend our country.

This amendment is quite simple. It says, you have problems with the Deepwater project right now, let's talk about it and work those problems out, but we know right now we do not have the time to delay at implementing a secure identification system for this country. Let's work with our States, let's give them the grants so they don't have an excuse not to do the right thing, to make sure that when our citizens get on an airplane, we know that everyone who got on that airplane got on with a secure document and that they can be reassured that it's safe to fly in America and that America is safe because the Congress did the right thing and gave the resources for secure identification so we can have a secure Nation.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. I yield to Mr. FARR from California.

Mr. FARR. Thank you very much, Mr. Chairman. Thank you for yielding.

I wasn't even going to speak on this issue, but I have to concur with my Chair and ranking member, and I'll tell you why, Mr. BILBRAY. The Deepwater project, the first Deepwater vessel is being delivered to Alameda, California. As you know, the Alameda office is in charge of the entire ocean from California to the Indian Ocean, half the world. The other half is monitored by this side. If you think that that operation isn't about national security with the vessels that are in the entire Pacific and with the drugs that are being run up through the ocean from South America, I don't think we can afford to take the newest vessel which is going through all its trials and sea trials and is going to be stationed in our own State and cut funding that's going to affect that. I hear you. I think we need to do something about identification, but I frankly think that if you're thinking that REAL ID is going to solve that identification problem, all IDs tell you is that you are who you are. There is no national ID. There is no citizenship ID. There's nobody in this room that has a card in their wallet that shows that they're an American citizen. You may have a driver's license. You don't have to be an American citizen to have a driver's license. You may have a Social Security card. You don't have to be an American citizen to have a Social Security card. There is no card. You may have a passport. Very few Americans have them, but those who have them, that shows that you are an American citizen.

The issue is whether these fake IDs which the States are working with can be made more secure, and I think that's important to do, but I don't think that's going to answer your national ID issue. It's not.

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Frankly, this is a debate worth having. We are not having it here, we are not having it on your amendment, we are not having it tonight because I think the real debate is: Is this the time in the development of our country where we really ought to form an ID? I have been opposed to it. If you look at the politics, the left and the right have been very much opposed to having a national ID program. But if you are going to do it, it is going to need to make much more sense than 58, our States plus our territories, all having different measurements and not having any one way to tell if it is a citizenship issue which you want to talk about, which is what this Border Patrol and Customs is all about. This is not the way to do it, and certainly not cutting money from a budget that has already been whacked and overspent and conditioned more than any other budget item than in this bill.

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

Mr. PRICE of North Carolina. I yield to the gentleman from California.

Mr. BILBRAY. The Governor of California supports this legislation. The fact is, the Fraternal Order of Police, because they say we have a standard now, it is REAL ID, but allow us to implement it. It is a time-sensitive issue. I understand Deepwater needs to be addressed. But you have to admit, there are major problems with Deepwater. But right now, there is a major crisis in getting the resources to the local States to implement the REAL ID bill.

You may not agree with the REAL ID bill, but our own Governor and the Fraternal Order of Police understand. This is one of those little things that don't seem important, but law enforcement and the Governor say please, this is one of the things that local government can do to fulfill.

Mr. FARR. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from California.

Mr. FARR. It is very interesting. I am from California, and I sit on the committee and I have never heard from the Governor about your amendment, nor anyone else in California. I support the chairman and the ranking member's opposition.

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

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

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

Mr. BILBRAY. 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 California will be postponed.

If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

#### ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Act of July 16, 1952 (chapter 409; 33 U.S.C. 516), \$16,000,000, to remain available until expended.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$22,583,000, to remain available until expended, of which \$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)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

#### RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family 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, \$1,184,720,000, to remain available until expended.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,392,171,000, of which not to exceed \$25,000 shall be for official reception and representation expenses: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2009: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Executive agencies, as defined in section 105 of title 5, United States Code, receiving training sponsored by the

James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That notwithstanding section 503(b) of this Act, none of the funds provided to the United States Secret Service by this or any previous appropriations Act shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$2,500,000 or 5 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 5 percent funding for any existing program, project, or activity, or reduces by 5 percent numbers of personnel as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by 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.

#### AMENDMENT NO. 102 OFFERED BY MR. DENT

Mr. DENT. 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. 102 offered by Mr. DENT: Page 33, line 15, after "of which" insert the following: "\$853,690,000 is for protective missions and".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

I rise today to offer this amendment to help the United States Secret Service meet its protection obligations.

This Homeland Security appropriations bill funds the Secret Service to the tune of \$1.39 billion. The plain language of the bill does not specify how these moneys should be allocated as between the Secret Service's protection and investigative operations. However, the committee report provides that \$849.6 million should go to protective missions, while approximately \$314.5 million is allocated to investigations.

While I sincerely commend the Appropriations Committee for providing these funds to the Secret Service, I would respectfully submit that the committee has underestimated the demands placed upon the Service's protection mission during this Presidential election cycle. Accordingly, my amendment would add approximately \$4 million to that protection function from those moneys that would otherwise go to investigations.

This funding upgrade is required because of the increased responsibilities

thrust upon the Secret Service's protection component within the last few years. Before 9/11, the Secret Service had 20 protectees. Since 9/11, that number has increased to 54. Just last month, the number of protectees reached 55 when a Presidential hopeful was given Secret Service protection, at an estimated cost of about \$44,000 per day. This additional expenditure was never considered in the President's budget request.

Now is not the time to strip \$4 million from the Service's protective missions, particularly when the cost to protect Senator OBAMA for just the first 4 months of fiscal year 2008 are estimated at \$5,456 million. This amendment ensures that the Secret Service is not bound by the report language which would transfer \$4 million from the Joint Operations Center relocation to the field investigations account.

I believe that the actions by the committee have made sure that the Secret Service will still be able to perform its investigatory functions with its usual skill and alacrity. In that regard, the committee had the foresight to provide the field investigation units of the Secret Service a plus-up of \$10.4 million over and above the amount the President requested for investigations.

On May 29, 2007, just a few weeks ago, the Washington Post reported that the Secret Service was transferring agents from investigations to security details and borrowing law enforcement officers from other Federal agencies in order to meet its protection obligations. Faced with wartime security needs, the threat of terrorism, and a field of 20 Presidential contenders, the Washington Post continued that the Service was "showing signs of strain" even before the Department of Homeland Security ordered protection for Senator OBAMA. It is my hope that this amendment will help to ease that strain and allow this dedicated group of professionals to keep performing at the high level to which we have all become accustomed.

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

The Acting CHAIRMAN. Does any Member wish to oppose the amendment?

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

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

The amendment was agreed to.

The Acting CHAIRMAN. Are there any other amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,725,000, to remain available until expended.

#### TITLE III—PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY NATIONAL PROTECTION AND PROGRAMS DIRECTORATE MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support for operations, information technology, and Risk Management and Analysis, \$40,346,000: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses.

#### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$532,881,000, of which \$471,787,000 shall remain available until September 30, 2009.

#### UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$462,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, \$232,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project 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—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget;

(6) is reviewed by the Government Accountability Office;

(7) includes a comprehensive strategic plan for the United States Visitor and Immigrant Status Indicator Technology project;

(8) includes a complete schedule for the full implementation of a biometric exit program or a certification that such program is not possible within five years; and

(9) includes a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services: *Provided further*, That quarterly status reports on the US-VISIT program submitted to the Committees on Appropriations of the Senate and House of Representatives shall include reporting on coordination with Western Hemisphere Travel Initiative planning and implementation, the Secure Border Initiative, and other Departmental efforts that relate to US-VISIT goals and activities.

#### OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, \$117,933,000; of which

\$25,750,000 is for salaries and expenses; and of which \$92,183,000 is for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, to remain available until September 30, 2009: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$685,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That of the total amount made available under this heading, \$35,000,000 shall be for Urban Search and Rescue, of which not to exceed \$1,600,000 may be made available for administrative costs: *Provided further*, That no less than \$6,000,000 shall be for the Office of the National Capital Region Coordination.

AMENDMENT NO. 97 OFFERED BY MR. JINDAL  
Mr. JINDAL. 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. 97 offered by Mr. JINDAL:  
Page 38, line 17, after the dollar amount, insert "(reduced by \$5,000,000)".  
Page 44, line 20, after the dollar amount, insert "(increased by \$5,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JINDAL) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, as witnessed in 2005, the response to Hurricanes Katrina and Rita was hampered by failure of identifying needs, and delays in delivering support. In preparation for this year's hurricane season, FEMA has engaged each of the 18 hurricane impact States, including the Commonwealth of Puerto Rico and the Territories, in a focused effort to identify strengths and weaknesses in their preparedness capabilities.

FEMA used a gap analysis tool that was developed in coordination with the State of New York Emergency Management Office and the New York City Office of Emergency Management. This tool was successful in identifying vulnerabilities in New York, and it is now being implemented to provide FEMA, States, and local governments in the hurricane-prone regions of the country with a snapshot of asset gaps.

Although FEMA has not yet released its full analysis, the agency has found significant gaps and shortfalls in hurricane preparedness among the targeted areas.

Indeed, according to recent testimony before both the House and Senate Homeland Security Committees, FEMA Administrator David Paulison recognized Louisiana, in particular, as having a fragile state of recovery. He indicated that the State still needs assistance in finding shelter space in adjacent States, ensuring sufficient transportation resources to conduct timely and effective evacuation, positioning commodities, and caring for those with critical medical needs.

We are already now several days into the current hurricane season, and there is an urgent need to assist States and local governments in addressing their hurricane preparedness weaknesses.

It makes no sense to identify but not address these gaps. My amendment adds \$5 million to the Disaster Relief Fund, specifically the Disaster Support Account, to enable FEMA to begin assisting these States and local governments by strengthening their preparedness capabilities.

The initiative would build upon a joint effort between State Emergency Management representatives and FEMA regional representatives to understand and bridge potential disaster response asset gaps in the critical area of debris removal, evacuation, sheltering, interim housing, health care facilities, commodity distribution, communications, fuel, or other vulnerabilities intrinsic to those areas.

The \$5 million would be offset by a reduction in FEMA management and administration. The underlying bill allocates \$685 million for this purpose, which is \$17 million above the requested amount from the administration.

In my State, levees and floodwalls are still under repair and thousands of disaster victims are still housed in temporary travel trailers. Louisiana and other impacted States cannot afford to exacerbate vulnerabilities with shortfalls in emergency planning, communication and supplies. It is imperative that we provide the resources necessary to protect the lives of our citizens. Hurricanes Katrina and Rita demonstrated the awful consequences of not being prepared before the next natural disaster.

I urge my colleagues to support my amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman's amendment, but I rise mainly to raise questions with him and see if we can't work something out on this because I very much identify with what he is trying to achieve here. After all, North Carolina is very hurricane-prone.

We certainly support your goals, support the gentleman's goals in building up preparedness. But I believe moving money around within FEMA, as the gentleman has proposed, is unlikely to achieve the goal. Let me explain why I think that is so.

The gentleman is proposing to move funds from the management and administration account at FEMA to the disaster relief account. However, FEMA tells us and I believe this is accurate, the very account that FEMA uses to support the activity that the gentleman is interested in is the management and administration account. Now we are providing a good bit of money here. We are providing adequate funding, I believe, for identifying hurricane-related preparedness gaps within the FEMA management and administration accounts. We are funding it at \$685 million. That is \$150 million above the current fiscal year. But we don't want to take money from that account, particularly when it is being applied to the very purpose the gentleman identifies.

So here is what I would like to suggest, Mr. Chairman. If the gentleman would be willing to withdraw the amendment, I would certainly be happy to work with him to ensure that FEMA is fulfilling its responsibilities on identifying preparedness gaps related to hurricanes.

The season is approaching, and we need to assure ourselves about that. I fully appreciate that goal. And as the conference approaches, if there are further ways that we can address this, we should. But I do suggest that the amendment be withdrawn because I think there needs to be some further investigation of exactly which accounts we are talking about to perform the functions that the gentleman is concerned about.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Louisiana.

Mr. JINDAL. I certainly appreciate the chairman's support. Based on his commitment, I would like to work with him.

My concern is in talking to FEMA, they didn't think that funds had been allocated to actually act on the gaps that have been identified. I know that in previous instances, we have used this account, the disaster support account, with the disaster relief fund, we have used that for support activities previously to support disasters; for example, the National Processing Service Center.

My intent was to make sure that there was actually funding to act on these gaps. Again in our conversations with FEMA staff, it had been expressed to us they hadn't identified funding to address these gaps. It is not important to me which fund it comes out of. I want to make sure that there is funding and that FEMA understands it is congressional intent for them to actually act on these gaps now that they have been identified.

Mr. PRICE of North Carolina. I can assure the gentleman, Mr. Chairman, that I will work with him in communicating that priority.

We have also had our staff in consultations, and we are told that man-

agement and administration is the correct account for what the gentleman is talking about.

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We'll need to do a little more work on that. We'll confer with you. So we will appreciate the chance to collaborate going forward.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I want to thank the chairman, I want to thank the ranking member for their work with me, not only on this amendment, but on the stated goal of helping our States become prepared.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I just wanted to compliment the gentleman. He's been very hard working on these whole issues, and I appreciate him bringing this to our attention and appreciate the chairman being willing to listen further to your request.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back my time.

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

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### 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, \$3,101,000,000, which shall be allocated as follows:

(1) \$550,000,000 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 the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That not less than 80 percent of any grant under this paragraph to a State or to Puerto Rico shall be made available by the State or Puerto Rico to local governments within 60 days after the receipt of the funds.

(2) \$1,858,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) \$800,000,000 shall be for use in high-threat, high-density urban areas;

(B) \$400,000,000 shall be for port security grants pursuant to section 70107 of title 46, United States Code;

(C) \$10,000,000 shall be for trucking industry security grants;

(D) \$11,000,000 shall be for intercity bus security grants;

(E) \$400,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants;

(F) \$50,000,000 shall be for buffer zone protection grants;

(G) \$20,000,000 shall be for Commercial Equipment Direct Assistance grants;

(H) \$50,000,000 shall be for Metropolitan Medical Response System grants;

(I) \$17,000,000 shall be for Citizen Corps grants;

(J) \$50,000,000 shall be for interoperable communications grants; and

(K) \$50,000,000 shall be for Real ID grants pursuant to Public Law 109-13:

*Provided*, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Federal Emergency Management Agency 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: *Provided further*, That for grants under subparagraphs (B) through (K), the applications for such grants shall be made available for competitive award to eligible applicants not later than 75 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and that the Federal Emergency Management Agency shall act on such applications not later than 60 days after the date on which such an application is received.

(3) \$293,000,000 for training, exercises, technical assistance, and other programs:

*Provided*, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for emergency operations centers: *Provided further*, That the preceding proviso shall not apply to grants under subparagraphs (B), (C), (D), (F), (G), (H), (I), (J), and (K) of paragraph (2) of this heading: *Provided further*, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, including personnel overtime and overtime associated with certified training, as needed.

AMENDMENT OFFERED BY MR. DAVIS OF KENTUCKY

Mr. DAVIS 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. DAVIS of Kentucky:

Page 39, line 14, after the dollar amount insert “(increased by \$5,000,000)”

Page 39, line 16, after the dollar amount insert “(reduced by \$5,000,000)”.

Page 39, line 17, after the dollar amount insert “(reduced by \$5,000,000)”.

Page 40, line 5, after the dollar amount insert “(increased by \$15,000,000)”.

Page 40, line 8, after the dollar amount insert “(reduced by \$5,000,000)”.

Page 40, line 10, after the dollar amount insert “(reduced by \$5,000,000)”.

Page 40, line 17, after the dollar amount insert “(reduced by \$5,000,000)”.

Page 40, line 23, after the dollar amount insert “(increased by \$30,000,000)”.

Page 42, line 25, after each dollar amount insert “(reduced by \$5,000,000)”.

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

The Chair recognizes the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise today to offer an amendment to restore funding that directly impacts the emergency response capabilities of rural and small community first responders.

The Commercial Equipment Direct Assistance Program, or CEDAP, is a critical resource for equipping first responders in rural and small communities around the country, especially in America's heartland. For each of the last 3 fiscal years, Congress has wisely provided \$50 million for CEDAP. CEDAP is designed to help first responders in small and rural communities to purchase much-needed equipment.

This year's bill would cut that funding by 60 percent, but increases other grant programs by over \$2.6 billion. It would cut from \$50 million in last year's CEDAP funding to only \$20 million this year. It's also worth noting that the House-passed bill for fiscal year 2007 would have provided \$75 million, a 50 percent increase to assist our small cities and rural communities.

My amendment will restore funding for this vital program to \$50 million. To offset this funding increase, my amendment would take \$5 million from each of six other very large grant programs, totaling a \$2.6 billion increase in grant security spending overall, each of which will still receive a massive increase over last year, even if my amendment is adopted.

By only approving \$20 million in this year's bill, we risk severely impacting the capabilities for emergency response in our small and rural communities. In addition, CEDAP is a program with a proven track record of accountability and success.

While the committee responsibly proposed increasing State and local grant programs by hundreds of millions of dollars and anticipates this will benefit some of these same communities, that result is no means a guarantee. CEDAP is designed to guarantee that our small communities receive needed first responder equipment. And I believe it's our mandate from Congress to assure that small communities are protected.

The committee report says it expects overall increased funding to benefit the CEDAP communities, but that is not guaranteed in statute. We must not cut this critical funding.

If my amendment is adopted, the House will affirm its commitment to safety and prosperity of our rural communities, without severely burdening any other program. Each of the programs selected as a part of this offset would still receive a massive increase over last year's enacted amount if my amendment is adopted.

The House should maintain level funding for CEDAP to ensure that com-

munities continue to benefit from this direct assistance program. The proposed cut I believe is a terrible message for the new Congress to send to rural and small communities who benefit directly from this program despite the soundness of the underlying overall bill.

With funding at the \$50 million level, the Department issued approximately 1,800 CEDAP grants in fiscal year 2006 to small town and rural community police departments, fire departments, EMS units, sheriff departments, cities, towns, counties, universities and others. If this \$20 million number stands for fiscal year 2008, this Congress will likely be cutting these rural and small town grants from roughly 1,800 to 720. This is the wrong direction for this Congress and for this important homeland security program, just as the fiscal year 2007 application process is under way.

The committee increased funding for urban grants by \$50 million for a total of \$800 million. Certainly we can maintain CEDAP for rural communities at a level of \$50 million, instead of cutting it 60 percent. In this year's bill, funding for a majority of programs is hugely increased, including important urban programs. I mentioned before \$2.6 billion of critical grant increases while cutting this one by 60 percent.

My amendment would only reduce these programs by \$5 million. While the increases are important, the committee has unreasonably targeted the CEDAP account for a 60 percent cut, while finding hundreds of millions of dollars in new spending.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I rise to thank the gentleman for his amendment and indicate that I'm hopeful we can work with him on this CEDAP program. I certainly support it. Many on our side of the aisle support it. We understand the value that it provides for rural communities in need of emergency response equipment.

We were frankly surprised that the President zeroed out this program. We think that was unwise. As the gentleman has stated, we restored the CEDAP program to \$20 million, but we were faced with the challenge of needing to work on a number of the grant programs to bring them up to the levels needed.

The gentleman presumably not knowing quite where else to turn has proposed reducing some of those programs to make up the difference here with CEDAP. Some of those offsets we're not particularly happy with, the State grants, the fire grants, the port security grants and so forth.

So it's a difficult problem. The gentleman knows quite well that this program has strong support in this House. I'm well aware of that. It has strong support in the other body. We will be going to conference and trying to come

to an understanding of what level we can afford here and what level is wise.

So while I can't support the amendment in its present form, I certainly don't want to downplay the challenge here, and I want to assure the gentleman that going forward we're aware of this need. We're aware of his concern in particular, and we will work very hard to address it.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Chairman, I respect greatly the work of the chairman and the ranking member to craft I think a very strong bill overall.

We face problems in protecting our rural communities. I believe the three of us all have many rural communities that face challenges. Working in another committee, we've faced challenges in protecting rural housing grants for affordable housing programs to make sure they're not subsumed by the large urban areas in the States.

And I'd ask the gentleman if he would consider in this conference process finding a way to segment or protect, if not in the form directly of the CEDAP dollars, but to make sure that a mechanism is considered to protect our rural communities and small towns to have access to this equipment.

Mr. PRICE of North Carolina. Reclaiming my time, I most certainly do make that pledge to you both in terms of looking at the CEDAP dollars and also in terms of finding other ways that we can address this need.

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

I want to first thank the chairman for including \$20 million in this program when it was zeroed out in the budget request and also to congratulate my colleague from Kentucky (Mr. DAVIS) for this amendment which I strongly support.

It increases the funds for this CEDAP program by \$30 million to get it back up to the historic funding level of \$50 million. That's what we've always had in this program. In fact, Mr. Chairman, this program was created by this subcommittee in fiscal year 2005, and the reason was we found that a lot of small towns and small communities were not being able to get grants out of their State allocations or these other grant programs because the monies were being consumed by the larger cities. And this was the only way we could find to get money directly to those smaller communities.

These are not grants that go to the State. These grants go directly from here to the local community, designed to target those areas that may not directly benefit from the large amounts of grant funding because of competing priorities within the States or larger urban areas. It gets basic first responder equipment into all first responder hands.

And it's been one of the most successful programs DHS has run. It made

close to 4,000 awards in fiscal 2005 and 2006, another 2,000 awards for fiscal 2007.

There is some report language in the bill that changes how the program is run from a direct assistance program to a grant program. I don't necessarily agree with that, but I think it is very important to get the level of funding back to the 2007 level of \$50 million.

Listen to what some of the local communities say about this program: "Your program is one of the absolutely best run and organized programs I have ever seen in the rescue service. The equipment you offer to emergency responders for homeland security is right on target for our needs in the field."

Another one says: "The CEDAP program has allowed us to obtain, train with, and deploy an essential fire fighting tool that we would have otherwise not have had available to us."

Another one says: "This award represents a purchase that would have not been possible for my agency. Thank you for giving us this ability."

So, Mr. Chairman, this is a popular program. It is effective. It helps communities that otherwise are not getting help and there's no other place for them to turn. So I urge our colleagues to support the gentleman's amendment and restore funding for this worthwhile program to the previous year's level and the level it was set at in 2005 and every year since.

And I want to congratulate Mr. DAVIS for bringing this amendment forward. It's thoughtful, it is needed, and it fits the bill; and I congratulate the gentleman and support his amendment.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Kentucky, I thank the chairman for their work on this and the commitment to work on this problem.

The real issue is not the superficial presenting question itself in the form that it takes, but ensuring that our small towns, our rural communities have access to these funds in some kind of a manner that can be protected. For example, in my district along the Ohio Valley, in fact many districts, small towns sit aside critical infrastructure, locks, dams, chemical plants, other areas that could be vulnerable to threats, and they are the only means of response. And by having this access, it will protect them.

With that commitment, I thank both the ranking member and the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### FIREFIGHTER ASSISTANCE GRANTS

For grants authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$800,000,000, of which \$570,000,000

shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$230,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2009: *Provided*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$300,000,000: *Provided*, That grants provided under this heading shall be distributed based on the formula used by the Department of Homeland Security in fiscal year 2007: *Provided further*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amount the Secretary of Homeland Security anticipates is necessary for the radiological emergency preparedness program of the Department of Homeland Security for the next fiscal year: *Provided*, That the methodology for the assessment and collection of fees shall be fair and equitable and shall reflect the cost of providing such services, including the administrative cost of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and shall become available for authorized purposes on October 1, 2008, and remain available until expended.

#### UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

#### DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain available until expended.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$875,000, of which \$580,000 is for administrative expenses to carry out the direct loan program under that section and \$295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans under that section shall not exceed \$25,000,000: *Provided further*, That the cost of a modification of such a loan shall be as defined in section 502(5)(D) of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

#### FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$230,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under subsection (f) of such section, to remain available until expended: *Provided*,

That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

**NATIONAL FLOOD INSURANCE FUND  
(INCLUDING TRANSFER OF FUNDS)**

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$145,000,000, which is available as follows: (1) not to exceed \$45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than \$99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), to remain available until September 30, 2009, including up to \$34,000,000 for flood mitigation expenses under section 1366 of that Act (42 U.S.C. 4104c), which shall be available for transfer to the National Flood Mitigation Fund under section 1367 of that Act (42 U.S.C. 4104) until September 30, 2009: *Provided*, That any additional fees collected pursuant to section 1307 of that Act shall be credited as an offsetting collection to this account, to be available for flood hazard mitigation expenses: *Provided further*, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$70,000,000 for operating expenses; (2) \$773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

**NATIONAL FLOOD MITIGATION FUND  
(INCLUDING TRANSFER OF FUNDS)**

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), \$34,000,000, to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$34,000,000 shall be derived from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017).

**NATIONAL PRE-DISASTER MITIGATION FUND**

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$120,000,000, to remain available until expended: *Provided*, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

**EMERGENCY FOOD AND SHELTER**

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

**TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES**

**UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

For necessary expenses for citizenship and immigration services, \$30,000,000: *Provided*,

That collections made pursuant to 8 U.S.C. 1356(u) may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives, and the Committee on the Judiciary of the House of Representatives, receive a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

**FEDERAL LAW ENFORCEMENT TRAINING CENTER**

**SALARIES AND EXPENSES**

For necessary expenses of the Federal Law Enforcement Training Center under section 884 of the Homeland Security Act of 2002 (6 U.S.C. 464), including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; 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, \$219,786,000, of which up to \$43,910,000 shall remain available until September 30, 2008 for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

**ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$43,270,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

**SCIENCE AND TECHNOLOGY**

**MANAGEMENT AND ADMINISTRATION**

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$130,787,000: *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

**RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS**

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$646,325,000, to remain available until expended: *Provided*, That none of the funds made available under this heading shall be obligated for the Analysis, Dissemination, Visualization, Insight, and Semantic Enhancement program until the Secretary of Homeland Security completes a Privacy Impact Assessment.

**DOMESTIC NUCLEAR DETECTION OFFICE**

**MANAGEMENT AND ADMINISTRATION**

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by the second title XVIII of the Homeland Security Act of 2002 and for management and administration of programs and activities, \$31,176,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

**RESEARCH, DEVELOPMENT, AND OPERATIONS**

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, \$316,900,000, to remain available until expended.

**SYSTEMS ACQUISITION**

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$168,000,000, to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by that procurement.

**TITLE V—GENERAL PROVISIONS**

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

**SEC. 502.** Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided*, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

**SEC. 503.** (a) 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 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) enters into a contract for the performance of any function or activity 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.

(b) 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 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees 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 or more the total amount of funding for any existing program, project, or activity, or numbers of personnel by 10 percent or more as approved by the Congress; or (3) results from any general 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.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations after June 30, 2008, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the “Department of Homeland Security Working Capital Fund”, except for the activities and amounts allowed in the President’s fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: *Provided*, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made 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 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make grant allocations, discretionary grant awards, discretionary contract awards, or to issue a letter of intent totaling

in excess of \$1,000,000, or to announce publicly the intention to make such awards, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants, law enforcement terrorism prevention grants, or high-threat, high-density urban areas grants: *Provided further*, That such notification shall include a description of the project or projects to be funded including the city, county, and state.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all 10 conditions under paragraphs (1) through (10) of section 522(a) of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108-334; 118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes

that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary’s certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or any other Act to any part of the Department of Homeland Security may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or any other Act may be used for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. 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 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. None of the funds appropriated to the United States Secret Service by this or any other Act may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such a service on a fully reimbursable basis.

SEC. 516. (a) Section 513 of the Department of Homeland Security Appropriations Act, 2005, is amended by striking “triple” and inserting “double”.

(b) The amendment made by subsection (a) shall apply to the percentage of cargo inspected as required by Security Directives in effect as of the date of enactment of this Act.

SEC. 517. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be used to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) Not later than 45 days after the end of the quarter, the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier, including any reason for non-compliance with section 516.

SEC. 518. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 519. No funding provided in this or any other Act shall be available to pay the salary of any employee serving as a contracting officer’s technical representative (COTR), or anyone acting in a similar capacity, who has not received COTR training.

SEC. 520. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security”, “Administration” and “Transportation Security Support” for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosive detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 521. Section 525 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295), is amended—

(1) in subsection (a)(2)(A) by inserting “identifies and describes the specific risk to the national transportation system and therefore” after “information”;

(2) in subsection (d) by striking “like that” and inserting “identical to those”; and

(3) by adding at the end the following:

“(e) For the purposes of this section, the term ‘party’s counsel’ includes any employee who assists counsel in legal proceedings and who is so designated by counsel and approved by the judge overseeing the legal proceedings.”.

SEC. 522. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 523. (a) The report required by Public Law 109-62 and Public Law 109-90 detailing the allocation and obligation of funds for “Disaster Relief” shall hereafter be submitted monthly and include: (1) status of the Disaster Relief Fund including obligations, allocations, and amounts undistributed/unallocated; (2) allocations, obligations, and expenditures for Hurricanes Katrina, Rita, and Wilma; (3) information on national flood insurance claims; (4) information on manufactured housing data; (5) information on hotel and motel data; (6) obligations, allocations, and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance, and individual assistance; (7) mission assignment obligations by agency, including: (A) the amounts reimbursed to other agencies that are in suspense because the Federal Emergency Management Agency has not yet reviewed and approved the documentation supporting the expenditure; and (B) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective; (8) the amount of credit card purchases by agency and mission assignment; (9) specific reasons for all waivers granted and a description of each waiver; and (10) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award.

(b) The Secretary of Homeland Security shall, at least quarterly, obtain and report from each agency performing mission assignments each such agency’s actual obligation and expenditure data and include such data in the report referred to in subsection (a).

(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodi-

cally reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

SEC. 524. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations and on-board versus funded full-time equivalent staffing levels.

SEC. 525. Section 532(a) of Public Law 109-295 is amended by striking “2007” and inserting “2008”.

SEC. 526. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. 527. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 528. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

SEC. 529. None of the funds made available by this Act may be used to take an action that would violate Executive Order No. 13149 (65 Fed. Reg. 24607; relating to greening the Government through Federal fleet and transportation efficiency).

SEC. 530. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant of the Coast Guard, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar

contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity of the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) REPORTS.—Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives: (1) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (2) a report on how the Coast Guard will utilize full and open competition for any contract entered into after the date of enactment of the Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program.

SEC. 531. None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any system related to the MAX-HR project, or any subsequent but related human resources management project, until any pending litigation concerning such activities is resolved, and any legal claim or appeal by either party has been fully resolved.

SEC. 532. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended—

(1) in subsection (c), by striking “consistent with similar” and inserting “identical to the protections given”;

(2) in subsection (c), by striking “, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material” and inserting “and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)”; and

(3) by adding at the end of the section the following:

“(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.”.

(b) REGULATORY CLARIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to reference all information required to be

protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by subsection (a).

SEC. 533. The Commissioner of United States Customs and Border Protection shall, not later than July 1, 2008, establish for the United States Customs and Border Protection Officer (CBPO) position, a new classification (“CBPO/LEO”), which shall be identical to the current position description for a CBPO, and include, but not be limited to, eligibility for treatment accorded to law enforcement officers under subchapter III of chapter 83, and chapter 84 of title 5, United States Code. In developing the new classification, the Commissioner shall consult with the Office of Personnel Management, as well as employee groups that represent CBPOs. The option to elect to serve as a CBPO/LEO shall be available to all CBPOs who enter into service on or after July 1, 2008, as well as to incumbent CBPOs currently serving on July 1, 2008, who meet the maximum age requirements to serve in a law enforcement officer position.

SEC. 534. In fiscal year 2008, none of funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108-458 if the Assistant Secretary (Transportation Security Administration) determines that butane lighters are not a significant threat to civil aviation security: *Provided*, That the Assistant Secretary (Transportation Security Administration) shall notify the Committee on Appropriations of the Senate and the House of Representatives 15 days in advance of such determination including a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition: *Provided further*, That if the Assistant Secretary has previously submitted a report pursuant to Section 530 of Public Law 108-458, no further report shall be required.

SEC. 535. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 536. None of the funds appropriated in this Act may be used for a grant or contract for any project that does not comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided*, That the President may suspend the provisions of such subchapter during a national emergency.

SEC. 537. (a) None of the funds appropriated in this Act may be obligated for a grant or contract awarded by a means other than full and open competition, other than a grant distributed by a formula or other mechanism that is required by statute. The Secretary of Homeland Security may waive the application of this subsection during a national emergency.

(b) The Secretary of Homeland Security shall establish an objective of awarding at least 3 percent of the total value of all contracts to be carried out with amounts appropriated in this Act to small business concerns.

SEC. 538. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107-296.

SEC. 539. Section 44940(a)(2) of title 49, United States Code, is amended by striking the last sentence of subparagraph (A), and clause (iv) of subparagraph (B).

#### (RESCISSON OF FUNDS)

SEC. 540. From the unobligated balances of funds transferred to the Department of

Homeland Security when it was created in 2003, excluding mandatory appropriations, \$55,273,000 is rescinded, of which \$12,084,003 shall be rescinded from Departmental Operations.

SEC. 541. None of the funds provided by this or previous appropriation Acts shall be used to fund any position designated as a Principal Federal Official during any declared disasters or emergencies.

SEC. 542. Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

“(6) FAILURE TO COLLECT AIRPORT SECURITY BADGES.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed \$10,000.”.

Mr. PRICE of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74, line 10, 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 North Carolina?

There was no objection.

AMENDMENT NO. 99 OFFERED BY MR. McCaul OF TEXAS

Mr. McCaul of Texas. 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. 99 offered by Mr. McCaul of Texas:

Strike section 531 (page 69, beginning at line 4).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. McCaul) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. McCaul of Texas. Mr. Chairman, section 531 prohibits the implementation of MAX-HR. MAX-HR is the human resources program that allows DHS wide latitude in personnel matters such as transferring workers to areas where they may be needed during a national emergency. Congress gave the Department this ability so that it could move quickly to protect the country from terrorist threats.

While some authority is currently under judicial review, the bill as currently written would enjoin the entire program until courts decide.

□ 0030

If this section were to pass as written, it would result in an action that is not consistent with the purposes of Homeland Security.

My amendment would strike section 531 of this bill and allow current regulations to continue until the courts make their final judgment.

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

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

Mr. Chairman, this amendment would remove a restriction that the committee included in order to prevent the Department of Homeland Security from wasting more money developing a human capital system that would, we believe, be judged illegal. DHS has not been willing to negotiate with its employees unions to develop a human capital system that lines up with the negotiated labor contracts.

That becomes our committee's problem, when money that gets appropriated is wasted on projects that are judged illegal and in violation of contractual agreements. DHS shouldn't be spending millions of dollars on systems that will need to be thrown away simply to frustrate unions and to intimidate their employees. It's a waste of taxpayers' money and from what I have heard, Mr. Chairman, has led to many morale problems at the Department.

I will remind Members that unfortunately the Department of Homeland Security ranked dead last in employee morale across government agencies in a survey taken recently. We need to reject this amendment, and I ask my colleagues to do so.

Mr. McCaul of Texas. Mr. Chairman, I respect the distinguished gentleman from North Carolina, but I would say I believe it's important that we let the courts decide this matter. It's under judicial review, just a small part of the human resources program at the Department of Homeland Security.

I think it would be a tremendous mistake for us in the Congress, as a separate branch of government, to essentially enjoin, essentially enjoin the executive branch in the human resource program that has combined 22 agencies, developed the human resources program that has been efficient in many respects, only because the courts have enjoined a very small portion. Again, let's let the courts decide this issue, and let's let the rest of the program go forward.

I know that our colleagues on the other side of the aisle would like to move the Department into a more unionized system that is not merit based. My view is that that would cripple our ability to respond in emergency situations. That was the view of the Congress at the time that we developed the Department of Homeland Security, and that is the view of this Congressman at this time.

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

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

Mr. McCaul of Texas. 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 will be postponed.

AMENDMENT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. 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. THOMPSON: In section 537 of the bill, strike subsection (b).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, the amendment I offer tonight will ensure that businesses can continue their current level of participation in contracting opportunities with the Department of Homeland Security.

The current governmentwide goal for small minority and disadvantaged business's participation established by the SBA is 23 percent. The current language of this bill places that contracting goal within the Department of Homeland Security at 3 percent.

Small businesses are often best able to provide the kind of innovative technologies we need to protect this Nation. This language would strike the 3 percent language, returning small business participation at DHS to the governmentwide goals.

Mr. Chairman, I urge my colleagues to adopt this amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I commend my friend, the chairman of the Homeland Security authorizing committee, for a fine amendment, and I am pleased to suggest that it be adopted.

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

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

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. 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. CORRINE BROWN of Florida:

Page 61, after line 11, insert the following:

(d) Orlando International Airport and Miami International Airport shall be two of

the seven airports selected to implement a pilot program to screen airport workers who enter or re-enter secure airport space.

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

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise today to ask support for my amendment to allow Orlando International Airport and Miami International Airport to be named as two of the seven airports selected to implement a pilot program to screen airport workers who enter or reenter security airport space.

My interest in this stems from a very serious security breach which occurred at the Orlando International Airport, OIA, earlier this year.

On March 5, a Comair customer service employee boarded a Delta flight from Orlando International to San Juan, carrying 13 handguns, 1 assault weapon and 8 pounds of marijuana. Although passengers and flight crews are required to pass through screening to obtain access to gates, mechanics and other airline employees move through the airport without being screened.

In fact, the men that were arrested had employee identification that allowed them to bypass screening altogether when they brought a duffel bag full of handguns into the airport. This serves as a perfect example of a striking gap in airline security, not only at OIA, but at airports nationwide.

Moreover, given an employee was willing to take the risk of smuggling illegal weapons and drugs into a flight for a few thousand dollars, one would certainly imagine that it would be possible that the airline employee could be bribed by well-financed terrorists to obtain access to the airport infrastructure.

In response to this incident, report language in the bill required a pilot program for seven airports nationwide to mandate the screening of all employees as prescribed in H.R. 1314.

Of the seven airport pilot projects mentioned in the report language, my amendment would require that the Orlando International Airport and the Miami International Airport be named two of the designated programs. Miami International, in fact, already had a program in place, while Orlando International has undertaken a plan to screen 100 percent of all of its employees. Given the heavy international traffic at both of these airports, I strongly believe that they serve as perfect places to begin a program which eventually needs to be implemented at all airports nationwide.

The reason I include Miami is because Miami can be used as a model, since the airport has had a program in place for nearly a decade and spends

about \$5 million per year for this type of security. The Miami program has reduced smuggling by all employees. Under this program, all airport and airline employees are screened, though not at the same area as the passengers or flight crews.

The Miami program also includes a provision that allows screening to instantly send a suspect's image to a New York center that operates around-the-clock with a staff of former NYPD technicians.

As you know, the State of Florida, in particular, thrives on tourism, which forms the backbone of the State economy. Obviously, those traveling in the State need to feel safe during their commute, and increasing and enforcing the security process for airline employees would serve as an important step toward achieving this goal.

I realize it is necessary to withdraw this amendment, and I am willing to do so, but this is a very, very serious situation not just for Florida, but for the entire country. I want all of us to work together to ensure that our system does not allow these huge security gaps to continue.

#### 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 appropriation 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.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any other Member wish to be heard?

Ms. CORRINE BROWN of Florida. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The Acting CHAIRMAN. If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

SEC. 543. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit to any individual unless all criminal history and other background checks required for the benefit have been completed, the results of such checks have been received by U.S. Citizenship and Immigration Services, and the results do not preclude the grant of the benefit.

AMENDMENT NO. 2 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 No. 2 offered by Mr. ROGERS of Kentucky:

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

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to recruit or hire

a total of more than 45,000 full-time equivalent airport screeners.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this is a simple amendment.

It would restore to the bill the traditional historic 45,000-person cap on the number of screeners that the TSA can employ.

The reason for this is simple. This screener cap has been in place since before there was a Department of Homeland Security.

When we first created the Transportation Security Administration in 2001, I think it was, or 2002, TSA was in the Department of Transportation. At the time, I chaired the subcommittee that funded that Department.

When we first began to place federally employed screeners in the airports, TSA came to us and said we need 35,000 screeners. We said, okay, here is the money, hire them.

They came back a few days later, a few months later, and said no, we're going to need 40,000. Then they came back a few months later and said no, we have to have 45,000. Then it was 50,000 and 60,000, and then finally they said we need to have 70,000. We said, wait a minute, time out. We can't afford this many. Where are you going to stop?

What they did at the outset, TSA was poorly managed, poorly run, and was not operating properly. They made up for their difference, their shortcomings, by hiring more people. I remember going to an airport in the South, a moderate-sized airport. The lobby was full of the trace detection machines where they swab your briefcase and then run it through the machine, very time-consuming, very labor-intensive, and not very accurate.

□ 0045

And the lobby was full, passengers having trouble getting through the doorway to get to the boarding gates. And I called over the Federal director, security director for that airport and I said, when are you going to apply for an x-ray machine to more efficiently and more securely search people as they go to board the airplane? They said, oh, we don't need, we don't want an x-ray machine to replace these trace detection machines in the lobby. I said, why not? The person said, our people are perfectly happy. I said, you mean the passengers? No, the screeners. Of course they were perfectly happy. One machine, Mr. Chairman, would have taken the place of all of those trace detection machines in that lobby.

And so we came up with a screener cap mainly to force TSA to bring technology to bear on the detection of explosive devices in briefcases and bag-

gage of passengers. The 45,000 screener limit works. TSA now is placing the machines in airports.

This committee, this subcommittee, has now appropriated many hundreds of millions of dollars in this bill, along with others, to buy more machinery.

But the cap on screeners needs to be kept in place. It's been there since we first began TSA 5 years ago. You take that screener cap off, as this bill does, and TSA will go back to their old ways. I guarantee it. They'll go back to their old ways of hiring screeners to run trace detection machines, very unreliable, insecure, and disruptive, actually, of people trying to get on the airplane.

So I urge our colleagues to keep in place, put back in place the 45,000 screener limit that's been in the bill ever since we've had a Department of Transportation, TSA in the Department of Transportation and now Homeland Security.

I know the bill contains funds only for some 44,000 screeners, and the argument can be made that we can control the number of screeners by the amount of money we appropriate. And this bill starts us along that line.

But we all know that these agencies can come back to the Appropriations Committee and request a reprogramming of funds from one account to the next, and the pressure would be great if they came to us to assign that reappropriation of monies. But the limit works. Keep the limit.

Mr. PRICE of North Carolina. Mr. Chairman, the amendment, as the gentleman has stated, would impose a statutory cap of 45,000 on the number of aviation screeners. I'm reluctantly opposed to this, because under the Committee mark, we fund considerably fewer than that amount, that number. We fund only 43,688 screeners. So we're nowhere close to the statutory cap that the gentleman would impose.

The budget is what really controls how many screeners TSA can fund, as 53 percent of TSA's aviation security budget goes to screener salaries and benefits.

Now, I agree with the gentleman that our goal should be to provide more efficient explosive detection systems, ones that rely less on humans and more on machines that identify possible threats.

Instead of the cap, I think a better way to provide the funding for additional explosive detection systems for passengers and carry on baggage and checked baggage and air cargo is to fund those systems adequately. And the bill before us does that. It has \$251 million more than the President's request for these systems.

To make sure that DHS spends funding for better detection systems, we've withheld funding from a key asset, namely, their new headquarters building, until the Department submits an expenditure plan for checkpoint and explosive detection systems. We do believe that this will provide a rather powerful incentive for TSA to become

less people dependent and more technology driven in the near term. But I just want to stress that I agree with the gentleman on that point, that priority.

I should also say, Mr. Chairman, that our authorizers oppose this cap. They've specifically asked us not to include this bill language in fiscal 2008.

I'm more than willing to work with the gentleman to ensure that the committee is kept well informed of screener staffing levels at airports. And if it appears that TSA is out of control regarding staffing, we will be the first to get on the case. But I cannot support this amendment.

Speaking of authorizers, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from North Carolina, and I thank the ranking member. I agree with the ranking member's assessment that we can improve the training and the, if you will, work performance in many instances of the TSA screeners. But we also note that there are many hardworking screeners.

I chair the subcommittee that oversees the work of TSA as it relates to airport screeners. And the reason the authorizers wanted to not have a cap is because, first of all, the Transportation Security Administration and the screeners staffing are engaging in what we call a spot program. They're dealing with the traveler document checking system. New programs need new personnel, new trained personnel.

The cap was lifted in the 9/11 bill for a very important reason. It sends the wrong message for us to cap screeners of airports. Our airports are expanding. Air travel is growing. In fact, we have been looking at the utilization of screening employees in the airport to make the entire airport, front and back, safe. So we all can work toward more professional development for the screeners, the airport screeners; but our work is too important now, and our work is too important going forward, after 9/11, to send this message of capping these employees.

I would respectfully oppose the amendment because of the work that we still have to do in securing the Nation's airports.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back my time.

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

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

Mr. ROGERS of Kentucky. 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 Kentucky will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. ELLSWORTH

Mr. ELLSWORTH. 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. 30 offered by Mr. ELLSWORTH:

At the end of the bill (before the short title), add the following new section:

SEC. 544. None of the funds appropriated in this Act may be used to enter into a contract in an amount greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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

The Acting CHAIRMAN. A point of order is reserved.

Mr. ELLSWORTH. Mr. Chairman, this amendment seeks to ensure that none of the funds appropriated in this bill may be used to enter into a contract greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt.

The Federal Acquisition Regulation already requires prospective contractors to certify within a 3-year period preceding the offer that they have not been convicted or had a civil judgment rendered against them for the various legal infractions such as tax evasion, forgery and bribery. This amendment simply adds the following three tax debt-related offenses: the prospective contractor must certify that they, one, have or have not been convicted of a civil judgment rendered against the contractor for violating tax law or failing to pay any tax; two, have or have not been notified of any delinquent taxes for which the liability remains unsatisfied; and, three, have or have not received a tax notice or tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

Mr. Chairman, my constituents, like many of yours, sent me to Washington to ensure their tax dollars are spent wisely. And I guard their tax dollars wisely. They believe, as I do, that it's

wrong for government contractors who owe millions and accumulated billions of dollars in unpaid taxes to continue to be awarded Federal contracts when their taxes are not paid. Not only do these bad actors cheat our government of tax revenue; they gain an unfair advantage over the businesses that play by the rules.

Not all contractors are into gaming the system. Most are doing terrific work and putting our tax dollars to good use. But we have a responsibility to protect those businesses and the taxpayers' dollars by weeding out the corrupt contractors. The only way you do this is through increased oversight.

At a time when our fiscal house is, some say, in complete disarray and deficits continue to grow, we cannot continue to allow companies to receive Federal tax dollars while shirking their own tax responsibilities.

Mr. Chairman, I respectfully ask my colleagues to support this amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from Indiana for this very well-conceived amendment, Mr. ELLSWORTH's proposing that the Department of Homeland Security be prohibited from awarding contracts to those that owe the Federal Government money. It seems pretty straightforward and sensible, and a rule that we need to adopt.

This would apply to contractors that violate tax laws, that fail to pay Federal taxes, that have an unsatisfied Federal liability.

The Federal Acquisition Regulation, fortunately, does have a rule-making under way that we believe will eventually provide similar coverage to all Federal agencies, including DHS. But the gentleman has anticipated that ruling. He's got language here that would offer protection earlier and would confirm what we hope will be more general policy.

So it's a very well-conceived amendment, and I commend him for it and hope that we can adopt it. I urge its adoption.

#### 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 from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard?

Mr. ELLSWORTH. Mr. Chairman, I'd like to thank Chairman PRICE for his support of this important amendment that would have taken an important step to address waste, fraud and abuse in the contracting process at the Department of Homeland Security. It's my hope that we can work together to have this commonsense approach to

contractor certification included in the eventual conference report.

Again, I'd like to thank the chairman for his support, but I do ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 96 OFFERED BY MR. DEAL OF GEORGIA

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

The Acting CHAIRMAN (Mr. Ross). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 96 offered by Mr. DEAL of Georgia:

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

SEC. \_\_\_. None of the funds made available in this Act may be used to destroy or put to pasture any horse or mule belonging to the United States that has become unfit for service.

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

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I realize it's late, and I'll be brief.

We've talked about a lot of things today. I'd like to talk about horses and mules for a few minutes. Under the current law, when a horse or a mule is deemed no longer fit for service in agencies such as the Border Patrol or Customs, the law requires that they either be turned out to pasture on Federal lands, where they usually are subject to predators, or that they be destroyed. This amendment would simply say that they would be allowed to be adopted by their handlers.

This is an animal equity amendment, Mr. Chairman. We do the same thing for dogs who have been in the service and are allowed to be adopted by their handlers. This would simply allow the handlers of horses and mules to do exactly the same thing. And I would urge the adoption.

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

Mr. DEAL of Georgia. I yield to the gentleman from Ohio.

Mr. KUCINICH. I want to thank the gentleman. I want to thank him for sponsoring this. I think it is a very humane and proper thing to do, and I appreciate that you offered it.

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

Mr. DEAL of Georgia. I yield to the gentleman from Kentucky.

□ 0100

Mr. ROGERS of Kentucky. Mr. Chairman, I want to commend the gentleman for the amendment. This is a horse of a different color that you have brought up here. And I think it is a humane thing to do, and I congratulate the gentleman. And being from horse country, I doubly appreciate it.

Mr. DEAL of Georgia. 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. DEAL).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. POE

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. 28 offered by Mr. POE:

At the end of title V, add the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used by the Secretary of Homeland Security to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. POE) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Mr. Chairman, the amendment I offer today will help reduce the lengthy delays consumers are facing when applying for passports, while at the same time strengthening security at our borders.

The Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the U.S. Secretaries of Homeland Security and State develop and implement a plan to require all U.S. citizens and foreign nationals to present a passport or some other document when entering the United States, as of January 1, 2008.

For many years United States citizens and citizens from other countries in the Western Hemisphere have not been required to present a passport to enter the United States. They were admitted by stating verbally that they were from a country that didn't require passports or by presenting a wide variety of less secure documentation, including up to 5,000 documents that our border agents must be versed in.

The 9/11 Commission in their findings highlighted “for terrorists travel documents are as important as weapons. . . In their travels terrorists use evasive methods, such as altered and counterfeit documents, and they study and exploit America's vulnerabilities.” The 9/11 Commission rightfully recommended we end the practice of traveling without passports. I am glad Congress took action on that recommendation. However, here we are 2½ years later, and it seems we are still going further and further away from putting this policy in place due to the bureaucracy in the Department of Homeland Security and the State Department through the Western Hemisphere Travel Initiative.

It seems bureaucrats implementing the Western Hemisphere Travel Initiative continue to spend large amounts of time and money to come up with other “alternative documents to passports” to comply with this law. The answer is why? We have a secure document, the passport, that has been implemented and is being used. But the Department of Homeland Security and the Department of State, even though they continue to say the passport is the “gold standard” for identity and citizenship documents because of its security, have come up with all different types of forms and documents that they are studying. All of these documents are unproven. They are called the Pass card, the BCC card, the SENTRI card, the Nexus card, the Fast card. And we are spending taxpayer money experimenting on these, while not implementing the proven document like the passport.

So this bill would require the Department of Homeland Security to use and implement only passports and quit spending money on documents that are unproven. And that is the purpose of this amendment: to spend money on passports only.

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment prohibits funds in the act from implementing a plan to permit entry into the U.S. using any identification document other than a passport. I understand the security concerns that underlie this amendment, but I believe it overreaches considerably, and I will take just a minute to explain why I think so.

This amendment would effectively prohibit DHS efforts to develop infrastructure or systems to process State Department passport cards for U.S. citizens living near and commuting across the land borders of the U.S., thus requiring all U.S. citizens who leave the U.S. to possess a passport, which currently costs \$97 for adults, \$82 for children. A passport card would cost less than half of that.

In addition, the language would effectively prohibit anyone who did not have a valid passport, such as permanent residents who lack other citizenship documents, from reentering the U.S. If I read it correctly, that is exactly what it would do. And it would effectively invalidate millions of Mexican border crossing cards issued by the State Department.

So it is an overreach, I would say, Mr. Chairman. It represents a draconian approach to border security. It would adversely affect the ability of U.S. citizens and workers and residents to move easily across the border.

So I urge the House to reject the amendment.

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

Mr. POE. Mr. Chairman, with all due respect to the chairman, I understand his concerns, but the problem is ex-

actly as he stated. There are too many documents to allow people to travel back and forth across U.S. borders. The United States discriminates against citizens from other nations because we require all those people that enter the United States to have a passport. Because of the different special interest groups that have thwarted the implementation of passports by having other types of documents, those documents are unproven. In fact, Homeland Security is still studying those, which means they are spending money on trying to come up with various systems.

So rather than have three or four or five systems, I think it is important that we have one system, as the 9/11 Commission recommended. And that passport system is the one that is the most foolproof. It will take time to implement, but these other systems haven't been implemented at all.

So the purpose of this is to make sure that we are on the same page: Require a simple document, a passport document, one that I have here; one that is faster than trying to examine numerous documents; one that you can, as we say, slide and glide by coming across the border. It won't take any more time. In fact, it will take less time than some of these other unsecured documents.

So with that, I ask the approval of this amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I yield to our colleague from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding.

I think you said it well. The problem here is that we have in place documentation that is acceptable for these kinds of crossings. Yes, as we go forward, we have to make sure that we secure our borders. But to undo that which has been working for a while and that which is accepted by our State Department is just to take a step backwards. And rather than doing that, we should accept what we have now and build on it. And what you are proposing is really to take a step that would only hurt us.

Throughout the years, the State Department has worked, in the case of the Mexican Government, to bring about a proper crossing of the border for work purposes and family visits and so on. That has been in place for years. That has worked. That is not the issue that we deal with when we talk about undocumented immigration into the country. That is not the issue we deal with when we talk about terrorist acts. This is the crossing of the border in a proper and safe and legal manner, and that is what we have in place, and we shouldn't be reinventing the wheel at this stage.

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

Mr. POE. Mr. Chairman, just in summary, we are requiring people who fly

into the United States to have passports. Even people from Mexico who fly into the United States will have to have passports. And when we fly to Mexico or Canada, we have to have passports. The same is true of people coming in by sea. And now it is appropriate that we have that same recommendation for those people who travel into the United States by land.

That is why I recommend and ask for the adoption of this amendment, that the universal document for entry into another nation be adopted.

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

The Acting CHAIRMAN. 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 will be postponed.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. 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. LATOURETTE:

At the end of title V, add the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) before June 1, 2009.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. First of all, Mr. Chairman, I want to compliment you on the way you have conducted this debate. In happier times I had the privilege of being where you are, and I have to tell you, you have done a tremendous job and I appreciate it very much.

I am pleased to offer this amendment with my friend, a colleague from Cleveland, Ohio, Congressman KUCINICH.

This amendment basically recognizes what I think that every Member of this House should recognize: that the implementation of the passport travel requirements in the Western Hemisphere has been a disaster. The State Department and Department of Homeland Security made an estimate, and they have been swamped. My constituents call me on a regular basis saying that they have applied for passports 12, 14, 20 weeks. They don't have their passports. Their trips are canceled. And this is a bad thing.

You would think in the face of that track record that perhaps we wouldn't

go to phase 2. Phase 2 says that we need to have documents as we cross the border by land into Canada. Where Congressman KUCINICH and I are from, we go through Detroit or Buffalo and the southern border as well. But that hasn't been the case.

On Friday the two agencies announced, reluctantly, that, you know what? We have got it wrong, and as a result we are not going to require passports for air travel to the Caribbean or to Canada anymore, and that a photo ID will be sufficient. However, even with this chaos, the administration has vowed that it will move forward with phase 2 on January 1.

Now, I want to commend the chairman of the Rules Committee, Congresswoman SLAUGHTER, for the work that she has done to put in this bill triggers that say maybe we don't have it right. Let's do some pilot programs and things of that nature. But those provisions were put in this bill before this disaster happened. And I don't assume that I am the only Member of this body that has received angry phone calls from their constituents and say, you know what? Maybe, maybe, we just need to slow it down.

So this is a complete prohibition. It says to the Department of Homeland Security in this bill, and we will do it again in the State Department bill, saying we gave you until June of 2009 to get this right, to come up with the Pass card, to come up with whatever you are going to come up. But please, please, don't do this to our constituents on January 1, 2008.

Mr. Chairman, at this time it is my pleasure to yield 2 minutes to my good friend and colleague from Cleveland, Ohio, Congressman KUCINICH.

Mr. KUCINICH. Mr. Chairman, as my colleague Mr. LATOURETTE points out, our offices are getting deluged with requests and complaints from constituents who are suffering under this backlog that has been created, and some of the action that has been taken by our Federal Government is only going to compound it. So the amendment is aimed at being constituent-sensitive and also sensible with respect to the border crossings, particularly at Canada.

I think that Members realize, and all of us are here as legislators, but another important part of our responsibility is constituent service. And every one of us knows that we have been swamped.

So this amendment that I am proud to work with Mr. LATOURETTE on is aimed at not just deferring a problem, but at really taking a sound and sensible approach to what has become a nightmare in terms of our constituents not being able to get the kind of responsiveness they have the right to expect on these issues that relate to visas and passports.

So thank you very much, Mr. LATOURETTE, for your work on this, and I am very grateful that I have a chance to work with you on it.

Mr. LATOURETTE. I thank my colleague.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend our colleagues for this amendment. I certainly will not be objecting to it and will be happy if it is adopted. It is not exactly the same approach that was taken in our bill. I must say that. But I do think it is consistent with the bill.

The amendment would prohibit funds in the act from being used to implement a plan before June 1, 2009, to comply with the Intelligence Reform Act of 2004 requirement to require all who enter the U.S. to have passports or equally valid identification. The Western Hemisphere Travel Initiative is intended to reduce the likelihood of entry by people who mean us ill.

We believe this could be done effectively in a way that doesn't sacrifice good relations with our neighbors, that doesn't cause undue hardship for U.S. citizens or doesn't affect legitimate travel and commerce.

□ 0115

But we are certainly not there yet.

Our bill fences \$100 million of the \$225 million in funding until the Department reports on the results of pilot projects in Washington State, until it provides an update on project milestones, until it demonstrates that statutory requirements are met and the system has been operationally tested, and until it reports on privacy safeguards. So we do have those kinds of protections in this bill. We have not included a date certain, but as I said, I believe the inclusion of a date is compatible with what we've suggested, and so we will not object to this amendment. We commend the gentleman for offering it.

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

Mr. LATOURETTE. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman from Ohio has 1½ minutes remaining.

Mr. LATOURETTE. I would like to thank Chairman PRICE for not only accepting this amendment, but also for the work that he has done on this bill.

This has been a very difficult process. And just like you, Mr. Chairman, he has also had a tough go of it. It's tough to lead, it's tough to be in the majority, it's tough to govern, and I think Chairman PRICE has done great work.

I commend the committee for the work they have done on this bill. And I mentioned Chairwoman SLAUGHTER for the work that she put in, and that was her language, that \$100 million.

I don't want to be an obstructionist, but because the Republicans and Democrats are being killed on this passport issue, even though the chairman has indicated he will accept the amendment, I will ask for a recorded vote.

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

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

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

Mr. LATOURETTE. 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 Ohio will be postponed.

AMENDMENT 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 offered by Mr. TANCREDO:

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

SEC. 544. None of the funds made available in this Act may be used to carry out the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, my amendment simply suspends the Visa Waiver Program for fiscal year 2008.

The Visa Waiver Program was established in 1986 as a temporary, and I underline temporary, program to allow tourists or short-term business visitors to enter the United States for 90 days or less without obtaining a visa. The program was later made permanent by Congress and currently allows nationals of 27 countries into the United States with a simple stamp.

The Visa Waiver Program ill advisedly trusts the security of our Nation to the background check capabilities and passport procedures of foreign governments. There are numerous instances of terrorists and would-be terrorists who have exploited this program, or easily could have.

September 11 conspirator Zacharias Moussaoui is a great example of this. He exploited the Visa Waiver Program to travel to the United States. The 9/11 Commission stated that “a maximum U.S. effort to investigate Moussaoui conceivably could have unearthed his connections. Those connections might have brought investigators to the core of the 9/11 plot.”

It's an interesting case because, of course, he was actually under investigation at the time by the French Government, by their secret service. Had we required a visa program that allowed for us to conduct that kind of background check, we may very well have identified those connections and not allowed him the visa. It seems clear that a maximum effort would in-

clude a thorough vetting of those seeking access to the United States.

Would-be “shoe bomber” terrorist Richard Reid exploited the Visa Waiver Program to board the flight he tried to bomb. The London subway bombing was executed in large part by British citizens with known ties to terrorism. Under the Visa Waiver Program, any British citizen can travel to the United States without having to apply for a visa and without giving our government the ability to do even a cursory investigation as to whether he or she may have ties to a terrorist group. British citizen Hemant Lakhani is just such an example. He was busted in a sting in New Jersey in 2003 when he tried to sell shoulder-fire surface-to-air missiles to a Federal operative who he believed to be a Somali terrorist plotting against American jetliners.

Mr. Chairman, we cannot give those who wish to harm us open access to America under the cloak of the Visa Waiver Program. We need to suspend the program until we are equipped to check the criminal and terrorist background of every visitor who arrives at any port of entry to confirm the identity of each visitor using the biometric identifiers.

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

Mr. PRICE of North Carolina. Mr. Chairman, I yield to our colleague, subcommittee member, Mr. FARR.

Mr. FARR. Thank you, Mr. Chairman, for yielding.

I rise as one of the cochairs of the Travel and Tourism Caucus, and I rise because I think you are trying to fix something here that isn't broken.

We have not had problems with the Visa Waiver Program. In fact, it has worked very well. And the reason you get qualified as a country for the Visa Waiver Program is because the visitors from that country, all who have passports, those passports all are screened and have to pass the screening before they get on an airplane. And so if there is such a traveler that is on the “no fly” list, they would be selected out at that point.

The reason these countries have qualified is because they haven't had people visiting our country who have skipped, who have stayed on, who have violated. The visa is time certain. These are frequent travelers; they are from the countries that are our allies, most of whom are members of NATO or other security forces. I think it is a very bad way to go. One is it's going to alienate the travel and tourism industry in the United States that relies a lot on foreign travelers; they spend a lot of money in this country. And, frankly, right now visiting America is a bargain. It is one of the best vacation packages you can buy compared to costs in Europe and so on. And what you do by cutting these funds, you would prohibit funds from this act from carrying out the Visa Waiver Program.

Now, within that program is also the ability of DHS sharing information

with the State Department, maintaining records of these visa-waiver applications. Remember, you have to apply for that. You would prohibit the administering of programs which air carriers use relating to verifying travelers as qualified, visa-waiver residents.

So what you are going to do is you are not going to stop the program. You are just going to stop the sharing of inside information. And I think it's a fear that hasn't been demonstrated as a problem. Therefore, nothing is broken that needs fixing. There isn't support for this program among the travel and tourism industry, and particularly the air carriers. And I think the fact that all these visitors have to have a passport and those passports have to meet our standards, that these Visa Waiver Program visitors are very well protected.

Mr. PRICE of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, if passports alone provided the kind of security that the gentleman suggests they provide, then of course we would not need visas at all. Why would we impose this particular kind of background check if passports alone gave us the kind of security that we need to make sure that the people entering this country are, number one, who they say they are, and more importantly, that their backgrounds do not show anything that might suggest that they should not be allowed into the country.

But don't just take my word for it. Listen to what former DHS Inspector General Clark Kent Ervin recently said: “We ought to be ending the Visa Waiver Program, not expanding it. There is a reason why terrorists are keen to obtain passports from visa-waiver countries. They don't have to undergo extensive security checks.”

So when you say there is no opposition to the program, I would suggest that that is not correct. There certainly are people involved with the program who feel as I do, that we need to abandon this particular visa-waiver idea.

And the IG isn't alone. Last September, the Government Accountability Office found that stolen passports from visa-waiver countries are prized travel documents among terrorists, criminals and immigration law violators. Based on a State Department report from January 2002 until June 2004, 28 foreign governments reported 56,943 stolen blank foreign passports. The Director of the U.S. National Central Bureau of Interpol has said that for 55 of the 181 Interpol countries, there were probably over 10 million lost and stolen passports that might be in circulation. In August of 2004, according to CBP, their database contains 1.2 million records of stolen passports. Notably, between January and June of 2005, DHS confiscated 298 passports issued by visa-waiver countries that travelers were attempting to use at ports of entry to fraudulently enter the United States.

I encourage the adoption of the amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I yield the balance of our time to Mr. FARR.

Mr. FARR. Mr. Chairman, none of the facts stated by the gentleman have anything to do with the amendment. The amendment cuts the ability for us to manage a program which is working very well. Every one of these travelers has to get a passport; those passports have to meet our standards. They have to go through the screening at airports. If they are on a "no fly" list, they won't be allowed on an airplane. This is not the way to try to prevent good visitors to this country who are allies of the United States.

And, frankly, adopting this amendment is not only going to create an incredible bureaucracy for us; it is going to create an alienation among countries that we get along with very well and have allowed a visa waiver. Without it, every one of these would have to flood a foreign council. And you would have frequent travelers unable to get to the United States and be a good tourist and good visitors of our country and good friends.

I don't think in nation building that this is the way that you want to attack the problem. So I ask for a "no" vote on this amendment.

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

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

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

Mr. TANCREDO. 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 will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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. JACKSON-LEE of Texas:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Critical Infrastructure Vulnerability

None of the funds in this Act may be used to limit the implementation of Homeland Security Presidential Directive 7 (HSPD-7).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, might I add my appreciation for the manner in which the chairman has conducted this process with the appropriations of the Homeland Security Appropriations Committee.

Let me thank the ranking member of the committee and the chairman of the subcommittee for working with the authorizers. And let me thank my chairman, Chairman THOMPSON of the full committee, the Homeland Security Committee, for creating the committee which I Chair, the Transportation, Security and Critical Infrastructure.

This amendment speaks directly to the immediacy of our concerns about pipeline security, refineries and other critical infrastructure.

A CRS report indicates that there are now nearly half a million miles of oil and gas transmission pipelines across America. We got a wake-up call just a few weeks ago with the discovery of a possible plot to blow up the fuel lines at John F. Kennedy Airport. Now we understand that we have a dilemma, and that dilemma requires the Department of Homeland Security to consider assessing the vulnerability of pipelines, refineries and other critical infrastructure around America.

Natural gas, gasoline, petroleum and other pipelines can produce catastrophic fires and explosions when they fall, and it is imperative that we begin to assess the vulnerabilities of such.

A weekly bulletin from the U.S. Department of Homeland Security and FBI told law enforcement officials and businesses this week that the Independence Day holiday might make an attack more appealing.

□ 0130

This was an article in 2005. The bulletin said important economic infrastructure like refineries are possible targets for terrorists.

We need to assess the vulnerabilities of our refineries and pipelines.

Another article said, apparently some international terrorists have targeted our oil refining assets in the United States as potential targets. FBI Director Mueller said between 1999 and 2001, the FBI prevented 10 possible domestic terrorist incidents, including two potentially large scale, high casualty attacks by right wing groups, and the planned bombing of a trans-Alaska pipeline in 1999. Our pipelines are on the front lines of terrorists.

A New York Post article said for years, city residents have questioned the safety of the 40 year old artery that pumps jet fuel, heating and diesel oil and gasoline into the city, and some have even cited the pipeline as a potential terrorist attack.

We saw what happened when this allegation of terrorism that is still being investigated was uncovered regarding the John F. Kennedy pipeline. We have to get in front of this. We have to be preventive. Our committee will go forward having oversight hearings on these important questions. But it is

important for the Department of Homeland Security to adhere to its directive and to recognize that the responsibility of security of pipelines and critical infrastructure remains in the Department of Homeland Security.

It is interesting as to whether or not beyond the question of impacting our security and our lives, that this damage to critical infrastructure can generate increased oil prices, something that many Americans are now saying, enough is enough.

I would ask my colleagues to recognize that our responsibility, the Homeland Security Appropriations Committee that has put together a very inclusive appropriations bill, to answer the questions of the needs of America's homeland security. But we also have to recognize that we have to be diligent, we have to be vigilant, and we have to make sure that we are in front of the ideas, the threats, of those perpetrators who would want to do us harm.

The half a million miles of pipelines, the many, many refineries, speaks loudly and volumes to the necessity of creating a vulnerability assessment of those pipelines and refineries and other critical infrastructure around the United States.

I would ask that my colleagues support this amendment, and I would ask additionally that the Department of Homeland Security have as one of its chief responsibilities the vulnerability assessment of these critical infrastructure sites.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend our colleague for her effective focus on this issue of pipeline safety and her good work on the authorizing committee and her coming here at this very late hour to offer this very fine amendment. I am pleased on behalf of the majority to accept the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am absolutely delighted. It means America will be safer.

I thank the Chair for this opportunity to explain my amendment to H.R. 2638, the "Homeland Security Appropriations Act for Fiscal Year of 2008." As a member of the Homeland Security Committee and the chair of the Transportation Security and Infrastructure Protection Subcommittee, I am pleased to offer this amendment, which enhances the bill by requiring the Department of Homeland Security to conduct a security vulnerability study of the Nation's pipelines and refineries.

Less than two weeks ago, four would-be terrorists were arrested for hatching a plot to blow up John F. Kennedy Airport and swaths of Queens by attacking fuel tanks and an underground pipeline in the hope of igniting a catastrophic explosion that would surpass the horrific devastation visited upon the Nation on September 11.

Because of their length, ubiquity, and remoteness, pipelines can be nearly impossible to defend. Natural gas, gasoline, petroleum, and other pipelines can produce catastrophic

fires and explosions when they fail. "Environmental" damage aside, these events can kill and injure people, and the casualties can be worse when pipelines are located near populated areas.

We need to ensure that everything that can be done to secure the Nation's pipelines and refineries is being done. There may be, of course, other actions that pipeline and refinery operators can and must do to reduce the threats terrorists could present.

My aim of my amendment is to increase the knowledge base pertaining to potential vulnerabilities of a critically important segment of the Nation's economic infrastructure so that effective countermeasures can be taken to protect the public health, safety, and welfare.

For these reasons, I urge the adoption of this amendment.

Mr. Chairman, I am very happy to yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 7 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. 7 offered by Mr. TANCREDO:

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

SEC. 544. None of the funds 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)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, this is an amendment that I offered many times in the past. It was actually passed by the House, I believe, in the last session. The fact is that we need to, unfortunately, run at it again.

My amendment would prevent State and local governments who refuse to share information with Federal immigration authorities from obtaining Federal funds under this act. These are so-called sanctuary policies, and they are not only misguided and dangerous, but they also are illegal.

That is an interesting aspect of this that we have brought to the attention of the Congress many times in the past. There is in fact a law. It has been on the books now for over 10 years. Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 already makes it illegal for a State or local government to block communications between State and local police and Federal immigration enforcement authorities.

Unfortunately, there are no provisions for enforcement. Therefore, many local governments adopt policies that explicitly prevent their police officers from cooperating with immigration and Customs enforcement agents.

A recent example of this increasingly brazen defiance of Federal law is the City of San Francisco. Just a couple of months ago, Mayor Gavin Newsome assured a concerned audience that he would "not allow any of his department heads or anyone else associated with the city to cooperate in any way, shape or form with these immigration raids." Unfortunately, San Francisco is not the only jurisdiction in this category.

When local governments refuse to share information with Federal immigration authorities, police departments often stop and/or arrest criminal aliens time and time again, only to release them without ever checking their immigration status. As a result, instead of being deported, these aliens move on to commit other crimes.

The City of Denver also has a sanctuary city 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."

Mr. Chairman, I can tell you from my own experience that there have been numerous occasions where this sanctuary city policy in Denver alone has resulted in the deaths of individuals, and certainly other kinds of crimes being perpetrated, because people that were involved with these murders and/or manslaughter charges that were brought against them were illegal aliens. They had come in contact at some time in the past with the authorities, but because of these sanctuary city policies, none of the authorities were able to communicate with ICE and therefore, of course, these people went undetected and otherwise almost certainly would have been taken into custody and deported and those crimes would not have been committed.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits governments from withholding immigration-related data when it is requested by other government entities with a legitimate need for the information. This amendment, which our friend from Colorado has offered many times before, would prevent DHS from awarding funds to any government entity that fails to comply with the law.

Now, as far as I know, Mr. Chairman, the Department of Homeland Security has never reported a failure to comply with the law, with this underlying law. The Justice Department has never filed suit against any entity for violating this statute. So I don't know how our friend would explain that. I would say

it renders unclear why this amendment is necessary or what effect it is likely to have.

I would yield to the gentleman, and I would appreciate his responding to a few questions that would help us understand the thrust of this amendment.

Does the gentlemen know of any DHS funding today that is used in contravention of section 642(a) of the 1996 Immigration Act?

Mr. TANCREDO. Mr. Chairman, the issue is not whether DHS funding is used in contravention. It is whether or not there is any penalty to be assessed to enforce the law that is on the books. Naturally there has been no suit brought or whatever because there is no penalty in the law itself. What we are doing here is providing a penalty for the violation of the law.

Mr. PRICE of North Carolina. The question is, do you know of any violations that have occurred?

Mr. TANCREDO. Yes, I most certainly do, and I have brought them to the attention of the body. There are many, many more like this.

Mr. PRICE of North Carolina. You are aware of DHS funding that has been used in contravention?

Mr. TANCREDO. No. The question was am I aware of any violations of the law, and the answer is yes, many violations of the law.

Mr. PRICE of North Carolina. I am asking about DHS funding, Homeland Security funding, which, after all, is the department we are appropriating for.

Mr. TANCREDO. That is correct. I am trying to assess a penalty for a violation of the law, and this is the penalty that I believe is appropriate.

Mr. PRICE of North Carolina. Let me maybe phrase this another way. Is disaster relief funding being used in contravention of this section?

Mr. TANCREDO. At the present time, it is not. But if we pass this amendment, it would be, yes. There has to be some sort of penalty assessed to the law that is already on the books or, of course, it is of no value. That is why so many cities have adopted these sanctuary city programs, and that is why we have to do something about it.

Mr. PRICE of North Carolina. Let me ask about DHS grant dollars generally. Have they been used in contravention of this section?

Mr. TANCREDO. Mr. Chairman, any first responder money, any of the money we are talking about here in San Francisco, is currently appropriated in violation of the law, actually, and what this would do is establish that fact.

Mr. PRICE of North Carolina. I am asking though what evidence exists that this is actually a problem.

Mr. TANCREDO. Mr. Chairman, if the gentleman would yield further, there are innumerable cases we could cite, and certainly I did, of where cities were in contravention of the law. They described themselves as sanctuary cities. They have said they will not in

fact obey the law, the 1996 law that I have already described, that we have laid out, section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act.

Mr. PRICE of North Carolina. Reclaiming my time, New York City has a law on the books, for example, that prohibits the provision of Immigration information to the Federal Government, I understand. Would this amendment prohibit any DHS funding to New York City?

Mr. TANCREDO. Yes. The fact is if they chose to maintain this particular program, it would prohibit the funding.

Mr. PRICE of North Carolina. The answer is yes. Reclaiming my time, it is a simple straightforward question. Border Patrol agents are funded in this bill. If DHS were to find that a border city or county were in contravention of section 642(a), would this provision require them to remove all Border Patrol agents from that city or county?

Mr. TANCREDO. They are not protecting the city. They are protecting the border.

The Acting CHAIRMAN. The gentleman's time has expired. The gentleman from Colorado has 2 minutes remaining.

Mr. TANCREDO. Mr. Chairman, I would like to yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank Mr. TANCREDO for yielding.

Mr. Chairman, I would take it to this, that one thing that has happened with these sanctuary policies is the cities have gotten together, I think I looked at the same attorney opinion, and tried to find a loophole, and in many of these sanctuary policies it says if you are an employee of the city, you shall not gather information. If you are prohibited from gathering, then you don't have any information to share with the law enforcement people who do enforce our Immigration laws. That is one of the loopholes that is there.

But the philosophy here is really the difference. There are two trains of thought. One of them says if you enforce immigration law in my community, people won't come forward and report other laws, like domestic abuse or whatever. And the other side is, how in the world can you enforce some laws and not others?

This is a statute that is clear on the books. Mr. TANCREDO is seeking to enforce that statute. And the decision needs to be made by the cities, do you like your Homeland Security funding? Is the funding that comes from the Federal Government that provides that security in those cities worth more to you than your sanctuary policy? That is the bottom line. Federal law has got to prevail.

Mr. SERRANO. Mr. Chairman, I am opposed to the bill, and I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, this may be one of those classic moments where we are dealing with something that really isn't broken. The fact of life is that everybody at every local government and in every locality throughout this country knows what the law is and knows how to react to that law. People are not withholding information from the Federal Government.

What happens, however, on many occasions, is that local communities will make a statement, and basically it is a statement in many cases, in most cases, saying that that area is a sanctuary, meaning that they look at the immigration issue differently than you may in other parts of the country. But it doesn't mean that they flaunt the law, that they laugh at the law, that they will not participate.

I assure you that in the case of New York City, where the scene of the crime took place on September 11, no one in that city government, no one in that State government, is interested in doing anything else but complying with every law that will help us secure our borders and protect our city.

□ 0145

But we in that city look at immigration different than other people in other parts of the country, perhaps. We don't see immigrants as a problem to society that we have to somehow create a problem for them.

So sanctuary movements, which incidentally are growing throughout churches of all denominations throughout the country in very conservative and in very liberal areas, those movements are simply statements by communities saying we see the immigration issue from a humane point of view. We see it differently than other people. We don't think these people are problems for the country. Let's work to resolve the problem in a proper way.

This, again, is a classic case of coming to the House floor and saying, one, we are going to tell local governments what to do, something that side does not usually like to do, and in this case freedom of speech. Simply a statement by many communities that they see immigration in a different way and we should not be badgering them and creating issues where issues do not exist.

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

Mr. TANCREDO. Mr. Chairman, talking about not telling local communities what they should do, we have a law. It is on the book. I am not imposing new legislation telling communities what to do, I am simply assessing a penalty for the law that already exists.

It is interesting that the gentleman would bring up New York City. As a matter of fact, in New York City there was a case where there was a woman brutally raped by five people, four of whom were illegal immigrants and had already come in contact with the police many times. It was that case that made New York City rethink, albeit

temporarily, their whole sanctuary city policy, and they did take it away for a while because of that. They have sort of reimposed it.

Also, the 9/11 hijackers, had we known that they had been stopped before, which they actually had, if they had come in contact with the police, which they did, we may have been able to stop them had we not had sanctuary city policies in place, not just in New York but throughout the country.

These are cities violating the law at the present time. Honestly, I am not trying to make new law, just enforce existing law.

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

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

Mr. TANCREDO. 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 will be postponed.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. 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. ROYCE:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads pursuant to section 102 of Public Law 104-208.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. FARR) each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

I want to start off by thanking Mrs. BLACKBURN, Messrs. KING, HUNTER, FRANKS, BILBRAY, Ms. GINNY BROWN-WAITE, Mrs. CAPITO, and Mrs. DRAKE for all coming together and working towards this amendment.

This amendment will give badly needed funding to the border security fence as provided by the law in the Secure Fence Act. Congress authorized it last year, provided funding to get it started in the 2007 DHS spending bill.

The point I would like to make, although Congress mandated the construction of 847 miles of fencing, to date only 13.01 miles have been completed. And as you know, it is supposed to be a double-border fence, and only one-half of the 13.01 miles is completed in the sense it is only one side of the fence.

So the amendment being offered today takes funding made available in

the bill for border protection and directs it to the fencing.

This amendment will give the administration, I think, what it needs to construct the remaining portions of the border fence. It is vital to national security. I had a number of hearings down on the border when I was chairman of the Terrorism and Non-proliferation Subcommittee. But Border Patrol told me about the effectiveness of the fence. There are over 400 attacks on Border Patrol agents a year. They need this fence. They find it is a great force multiplier. It extends their capacity. It allows them the discretion to redeploy agents to areas where they are not vulnerable or at risk.

Frankly, I think we have a difference of opinion on how important it is to follow the law under the Secure Fence Act with the administration.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from California for yielding.

I want to clarify what this amendment does. It does really two things. One is it directs the \$1 billion already in the bill to go to the 854 miles of the most critical areas of the border that were identified in the Secure Fence Act. The first thing is put the resources where they are the most critical, where Congress has, by more than a 2-to-1 margin in the House, said let's do this. And the Senate has said by a more than 4-to-1 margin, 80-19, let's build this 854 miles.

The second thing that the bill does is that it confines the billion dollars to fence and access roads. You have to have roads to build it, and you have to have roads to maintain it. What the administration has demonstrated is out of the \$1.187 billion that we appropriated last year, they spent perhaps \$30 million on real fence, the 13.01 miles that Mr. ROYCE addressed. The balance of that is on virtual technology.

Now we need some virtual technology; but overall, this will provide in the end \$2.2 billion. And of that, \$1 billion is set aside for physical structures, fence and roads. The balance of that, the decision can be made by DHS as to whether that is virtual and real or whatever combination.

So we are asking for \$1 billion of the overall \$2.2 billion to go to physical fence and access roads. That is consistent with what Congress has passed by a large margin.

What is so important about this that isn't brought into this debate is the fact that there are \$65 billion worth of illegal drugs coming across that southern border. Ninety percent of the illegal drugs that come into America come there. The force of that \$65 billion is overpowering, and no amount of virtual fence is going to stop a real drug cartel that is pushing on all 2,000 miles of that border and will find the weak spots.

Mr. FARR. Mr. Chairman, I rise in opposition to the amendment, and

must say it has been very interesting tonight. There has been a lot of discussion about fences and very little discussion about Homeland Security which is what this budget is all about.

It is interesting, in traveling the border and talking to the Border Patrol, there was never, never a request for this. What you are doing, very interesting in this amendment, you say "none of the funds made available in this act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads."

No technology, no infrastructure, just got to build two fences. Wait a minute. This committee went to a lot of effort to find out how to prioritize spending. What we heard from the experts is follow risk management principles.

And the question was asked in committee: Where is the risk on our border? Where have we seen terrorism? And guess what the head of the Border Patrol said, the Customs and Border Patrol Commissioner said, when asked about how many terrorists we have apprehended or found on the Mexico-U.S. border? The answer was zero. How much material have you apprehended on that border? The answer was zero.

When asked about the northern border the answer was yes, we have apprehended terrorists coming across that border, and we have apprehended material coming across that border.

So based on risk management, if this is about terrorism, the fence is not an issue. I think this fence discussion here has created fence bulimia. That is all we can talk about, and it is only one fence, and now you want to build it double when the customs people don't even ask for that.

We are sitting here as fence managers here in Washington and have nothing to do with trying to patrol that border. This is cutting off funds for technology and infrastructure. If there is anything that is needed along that border, it is infrastructure. This is like building a huge levee on one side of the river and not taking care of anything on the other side.

I will tell you, if you are going to have security, you are going to have to have a much more comprehensive approach. Mexico is our important ally. It is our neighbor. It is our leading trade partner with the State of California which the gentleman is from. It has the busiest border between California and Mexico. More people cross that border every day and more legitimate commerce cross that border than any other place in the world.

And we are doing that with existing resources. Guess what, they are working because the committee has put in some very good detection systems using smart cards and other things.

I think this amendment does absolutely the opposite of what you want to do. This doesn't secure the border, this takes money away from technology

and infrastructure development. Without a problem, you don't need to fix it.

If you want to build a fence where the terrorists are coming, then build that fence across the Canadian border.

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

Mr. ROYCE. Mr. Chairman, yielding myself the time, I chaired the committee meetings down on the border. Mahmoud Qurani crossed that border in the trunk of a car, an agent for Hezbollah, whose brother, by the way, was in charge of the southern front in the attack on Israel recently. He came across in the trunk of a car.

I have talked to Border Patrol agents who have made apprehensions on that border, and I can tell you the San Diego fence has not only cut the crime rate by half in San Diego, but also on the Mexican side, and nobody has designed a way to get around the San Diego fence. This double-border fence works. It is what the Border Patrol has asked me for and testified up here for.

And 69 percent in the polling last night by Rasmussen, actually the polling was on the 12th, 69 percent of the public say they want, they favor an approach focusing on securing the border with this kind of approach. Only 20 percent of people want Congress to try to pass the immigration reform bill that failed in the Senate last week.

Mr. FARR. Mr. Chairman, this gold-plated fence costs \$3 million a mile. To do that takes money away from technology and infrastructure. It takes money from effective border control. Effective control is where they detect and apprehend. That is what they want the money spent on, being able to detect and apprehend. This takes money away from doing effective border security. I oppose the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I am intrigued by the suggestion that Border Patrol officials have come requesting this kind of approach for protecting the border. I have never heard any Border Patrol official make such a request.

On the contrary, during our travels on the southwest borders and in talking to officials here in Washington, Mr. FARR is absolutely correct. The first thing they say is this isn't an enforcement problem alone, it requires a comprehensive immigration reform effort.

The second thing they say is that one size does not fit all in terms of border protection. The gentleman cites the San Diego example. Yes, that may well be a situation where a fence is called for. But the people who know the most about this and who are charged with protecting us every day invariably say that different technologies, different kinds of barriers, vehicle barriers, pedestrian barriers, barriers that might be suited to one kind of terrain rather than another, electronic surveillance, there are a range of technologies that

are required here. This is an incredible amendment. This amendment forgoes any kind of analytical effort and examination of differences and simply says two-layer fences will be erected everywhere.

And by the way, this is far more expensive than other kinds of barriers. So whatever it is, we would build less of it. The number of miles we are talking about here, to build that with the kind of fencing that the gentleman wants to see would cost \$2 billion. That is twice what we have in this bill; so, of course, it would protect far less of the border.

The Department needs some discretion here, some discretion for the best minds in law enforcement and technology to decide what sort of protection makes sense in what portions of the border.

□ 0200

Our bill does that. Our bill has generous funding, but it also has some requirements about documenting the cost-effectiveness, the effectiveness in protecting the border, as well as the kind of effects we've talked about earlier this evening on the communities in the path of this.

So it's a sensible approach. It's one that draws on the best expertise we've been able to engage, and I strongly urge that it be retained in the bill, and therefore, this amendment be rejected.

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

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

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

Mr. ROYCE. 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 California will be postponed.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. 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. FORBES:

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

SEC. 544. None of the funds made available in this Act may be used to extend the designation of any foreign state under section 244(b)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)(C)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. FORBES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. Mr. Chairman, as you know, Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to

aliens, usually illegal immigrants, from particular countries under temporary protected status. Congress intended this provision to live up to its name and be temporary. Unfortunately, a pattern of abuse has emerged in the temporary protected status, or TPS, program. DHS can grant TPS status to the nationals of a country for as long as 18 months and can later extend the TPS period indefinitely by adding extensions up to 18 months each.

The administration has begun to utilize TPS as a de facto amnesty for illegal immigrants from certain Central American countries. TPS status was granted to Honduran and Nicaraguan nationals at the end of 1998 following Hurricane Mitch. The administration has extended TPS for these individuals multiple times, the latest extension lasting until January 2009, more than 10 years after the hurricane. TPS status for Salvadoran nationals was granted early in 2001 as a result of earthquakes hitting the region. The latest TPS extension for Salvadoran nationals lasts until September 2007, again, long after temporary dislocations caused by the earthquakes.

There are currently some 248,000 Salvadorans, 81,000 Hondurans and 4,000 Nicaraguans, mostly aliens who came illegally to the United States, benefiting from TPS status. Our Nation currently has a growing gang problem, and we have had testimony in the Judiciary Committee that 60 to 85 percent of some of the most violent gang members in the United States are here illegally. Of 5,000 gang members in a database that ICE compiled for Operation Community Shield, 291 El Salvadoran nationals, 43 Hondurans, and 1 Nicaraguan had been granted temporary protected status, 6.7 percent of the total.

At least one of the suspected MS-13 members accused in the 2002 rape of two deaf girls in Massachusetts had been in our country protected by TPS. In fact, currently, a criminal gang member could literally stand on a street corner and announce that they were a member of a violent criminal gang and that they came here illegally, and if protected under TPS, no law enforcement officer could touch them until they had actually committed a crime.

TPS is being used to grant long-time residence, a perpetual amnesty, to illegal immigrants of certain favored nationalities. This amendment will return TPS to its original intent of providing temporary refuge during temporary periods of crisis. It would bar any funds made available in this Act from being used to extend TPS for nationals of a country beyond the original period of not more than 18 months.

I urge my colleagues to support this amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose this amendment and in the strongest possible terms. The amendment would prohibit funds made available in the Act from being used to extend temporary protected status for countries covered under that program.

Temporary protected status is a special immigration benefit for citizens of countries with severe hardships: civil wars, massive natural disasters, humanitarian crises, some of those troubled places in the world where people are fleeing absolutely horrendous conditions. This program offers the citizens of those countries temporary sanctuary in our country until their countries' troubles are resolved.

In total, 4,198 people currently in the U.S. could be deported if their temporary protected status were not extended. These individuals would be sent back to countries with extreme conditions, places like Burundi, Somalia, the Sudan. Of course, we hope that these troubles will end and that these people could eventually return to their home countries. This is temporary status, but the notion that we would defund this program or refuse to extend it where it's called for.

This amendment would also be detrimental to the effective administration and enforcement of immigration laws. It would create confusion about the degree to which the U.S. government can be trusted to maintain its commitment to those for whom it offers immigration benefits.

So I urge a "no" vote on this amendment.

Mr. SERRANO. Mr. Chairman, I'm opposed to the amendment, and I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

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

Mr. Chairman, this may go down as the meanest and most misguided amendment of the evening. TPS has been known and worked as a proper legal statement by the U.S. government to give protection to people who are in situations where they cannot go back home. These people did not come into the country illegally. In fact, in many cases, our actions being involved in those countries invited them to come here, and this is why we offer that protection.

The countries that would be affected are countries where we either have had a standing tradition of being involved in trying to resolve some difficulties in those countries and participated militarily and otherwise in those countries and, as a result, gave them this protection. And secondly, there are also a set of countries which are going through very difficult situations.

I'm thinking, as I hear the gentleman speak, if Mr. FRANK WOLF was here now he would be up on our side talking to you about the Sudan and talking to you about other places where we should continue to give the temporary protection status.

But here's the main point which I've already mentioned and needs to be mentioned again. This is a situation where these folks should not be looked at as people who are here illegally. They're here legally. They're here because this Congress, this administration and other administrations, have seen fit to give them this protection. They're here because they can't go back home.

And again, we may disagree on this, and frankly, there might be people on this side that disagree with me, but in some of those countries our policies have played a role in creating a situation where they can't go back home. So to lump them in with the undocumented immigrant situation of the country is totally unfair because it's two different issues. This one is sanctioned.

Interestingly enough, I notice that there's always a little bit of politics involved in this because the gentleman doesn't suggest that all Cubans go back to Cuba and that they should not get special treatment as they do under the Cuban Adjustment Act. We never touch that one. We touch this one.

Well, that's sad. It shouldn't be, and we should continue to protect these folks and try to make situations back home bearable for them. In the meantime, we should not be throwing them out of the country.

And lastly, we're not talking about 12 million people. We're not talking about 15 or 20 million people. We're talking about a much smaller number of people who need our protection.

There's a lady in the harbor to the city where I live and where I've grown up. That lady, known as the Statue of Liberty, tells us to bring to these shores the people that are hurting.

This is a fine example of America at its best. Don't lump it in with any other problem. That's not fair and that's not right.

Mr. Chairman, I yield back my time.

Mr. FORBES. Mr. Chairman, could you tell me how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Virginia has 2 minutes remaining.

Mr. FORBES. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the gentleman stated that this would perhaps be the meanest and most misguided amendment of the night, but I would suggest that the gentleman look in the eyes of the father who had his deaf daughter raped and assaulted by individuals who were here illegally, protected only because we shielded them with temporary protected status, where they could have literally been standing on the street and have said, I'm a member of a violent criminal gang, I was here illegally, and there would have been nothing law enforcement could have done to have gotten rid of those individuals until they'd actually raped that little girl. One of those individuals was here protected by temporary protected status.

The other one had applied for it and was in the process of getting it.

The second thing, Mr. Chairman, we heard it mentioned that these individuals are here and we're protecting them on a temporary basis. It's mighty hard to look into the eyes of the American people, and say that when we have extended something for 10 years, that that is a temporary situation.

And Mr. Chairman, I would just suggest to you when we talk about they're here legally, it is true they're here legally because we've put this shield of protection around them. If we're going to truly deal with the law and be honest with the American people and what this law says, we need to either take the word "temporary" out and just tell them it's protected status, or we need to let the law do what it's intended to do, which is to truly be temporary by being an 18-month period of time, not a 10-year period of time.

Mr. Chairman, once again, I hope that it will be the pleasure of my colleagues to support this 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 Virginia (Mr. FORBES).

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

Mr. FORBES. 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 Virginia will be postponed.

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:

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

Sec. 544. None of the funds made available in this Act may be used to implement section 536 of this Act.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this amendment is simple. It strikes the Davis-Bacon section in the bill. That section has consequences that I'm not sure the majority has thoroughly thought through.

Requiring all DHS contract and grant funds to comply with Davis-Bacon could unfairly disadvantage communities that are unfortunate enough to be struck by a disaster. It could reduce funds available for their

recovery. It could slow the pace of assistance and significantly increase non-Federal cost-share requirements. This section would likely cost already cash-strapped States and localities additional funds.

The Congressional Budget Office says that Davis-Bacon will cost taxpayers more than \$9.5 billion from 2002 to 2011. This expansion would only greater the burden on taxpayers.

This expansion further disadvantages small, emerging and minority businesses new to the complex, inefficient wage and work restrictions which make it nearly impossible for them to compete with better capitalized corporations, disadvantaging the very companies we often seek to help following a disaster.

And so I urge my colleagues to support this amendment and strike this onerous restriction on the Nation's communities.

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

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

The amendment would eliminate the requirement that the funding provided in this bill comply with the prevailing wage requirements of the Davis-Bacon Act. Nobody remembers who Davis and Bacon were, but the Act was enacted back in 1931 by a Republican Congress and a Republican administration, that of one Herbert Hoover.

It sets minimum labor standards for workers employed in Federal contract construction. It simply says that they've got to pay their employees, if they're using Federal funds, not less than the locally prevailing wage.

□ 0215

The Department of Homeland Security interpreted the application of Davis-Bacon far too narrowly. They said it applies only to Stafford Act grant programs, virtually no other DHS programs, despite the fact that a lot of these programs do involve construction projects like State and urban area Homeland Security grants, buffer zone protection grants, port security grants, airport security grants, transit security grants, and so forth.

Our belief simply is that there is no good reason for denying prevailing wage protection to jobs involved in these activities. There is a waiver that the President can employ in situations where Davis-Bacon requirements would truly have a detrimental impact, but for most jobs most of the time, carrying out the intent of this bill, fair, locally prevailing wages should prevail.

If you are talking about the quality of construction, I think that adds an argument as well. Davis-Bacon encourages a higher quality of workmanship. It encourages enhanced productivity. It reduces the need for remedial work, probably saving dollars in many instances. So there are many, many arguments for this which I won't belabor at this late hour. I believe the inclusion of the Davis-Bacon requirements

is prudent and fair, and I urge the rejection of this 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 Kentucky (Mr. ROGERS).

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

Mr. ROGERS of Kentucky. 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 Kentucky will be postponed.

AMENDMENT NO. 1 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 No. 1 offered by Mr. ROGERS of Kentucky:

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

SEC. . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this is the final amendment, and it is the fiscal responsibility amendment. This amendment would implement an across-the-board cut in the bill of 5.7 percent, thereby limiting the increase of this bill to 7.2 percent over the current year, the amount the President requested, instead of the current 13.6 percent in the current bill.

Let me emphasize that point again. This amendment does not cut anything. It provides a more than generous and responsible 7.2 percent increase in Homeland Security funding over the current year. It's a small downpayment on fiscal discipline, an issue we heard a lot about last November.

The national debt is burgeoning, the public is demanding that we gain control of Federal spending. Despite the President's overall budget request of \$933 billion for fiscal year 2008, and an already generous \$63 billion over the current year's level, the majority plans to add another \$20 billion on top of that at the minimum. Where will it stop?

This year's \$20 billion could become \$40 billion next year and on and on and on. The only thing this does is ensure our children and their children will be paying for this generations to come.

The Homeland Security bill before us today represents 10 percent of that \$20

billion increase in spending, more than \$2 billion above the President's request. Nobody on this side is proposing that we cut Homeland Security, not our President, not this Member, certainly not this amendment.

I agree with the funding level requested by the administration. It's a responsible 7.2 percent increase from the base 2007 level, a rate that is already over double the rate of inflation.

As I said before, the public is demanding accountability and fiscal responsibility. I don't think we can exclude any Federal agency, even Homeland Security, from fiscal discipline. Otherwise, there will be no discipline at all.

I urge my colleagues to vote for this amendment, a fiscally disciplined amendment still providing a 7.2 percent increase in Homeland Security security.

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

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

The gentleman's amendment would reduce the funding in this bill by just over \$2 billion, or 5.7 percent. As this debate began, we did discuss the comparison of the bill that we have reported to last year's level of funding, and I am going to just repeat those figures here, because I think it is important to put the increase in perspective.

The fiscal 2007 bill, with the emergency funding included that was adopted at the time that bill was passed, when that is considered as the baseline for 2007, our bill represents a 7.5 percent increase over last year's funding. If the supplemental funding is included in the 2007 base, then, actually, our bill represents a 7.5 percent decrease in funding.

But the point is not just to throw abstract numbers around. The point of the considerable deliberation our subcommittee has undertaken is to match up the available resources with this country's needs.

I believe we have done that in a conscientious way. I think it's extremely hard to find anything in this bill that is funded to excess, funded lavishly.

That's the reason that the gentleman has chosen not to focus on specific items, but, rather, to propose an across the board cut, indiscriminately applied, across the country, of 5.7 percent. It would have consequences, even spread across all the accounts. It would mean a reduced level of funding for a number of things that we have put in this bill for very good reason. The SAFE Port Act, the authorization, has required that we apply more funding to port security. This cut would reduce that substantially. It would, in all likelihood, mean that we could provide very limited additional programs for fire grants or transit emergency security grants, or emergency grants, State and urban grants, other important programs to our hometowns.

It would mean that border and immigration enforcement improvements

would be hard to come by. It would make it very, very difficult to increase the amount of cargo that is carried on passenger aircraft that is screened and so forth. These cuts would be consequential.

Although our friends on the other side of the aisle have been rather selective in their treatment of the President's budget request, the chairman has repaired that request in this measure. But I do need to point out that we have not, under his leadership in past years, or in our deliberations this year, taken the President's requests as serious requests, but we have not hesitated to alter them when we felt that was required. It's not unusual for the Homeland Security bill in the House of Representatives to increase President Bush's request. In fact, we have done it every time we have brought a bill to this floor.

In 2004, the House bill contained \$1 billion more than the Bush request; in 2005, \$900 million more than the Bush request; in 2006, \$1.3 billion more than the Bush request; in 2007, \$1.1 billion more than the Bush request.

So we are in that mode once again. There is no reason to be surprised that in some respects we found the Bush requests inadequate, and we have increased them. In other respects, we have reduced them. We have done both. But there is a net increase, and I think a net increase that is amply justified.

The hour is late, I believe that the funding levels in this bill are quite carefully considered. This amendment would do some real damage to some things that we need to improve.

So I ask my colleagues to vote against this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I urge an "aye" vote on the amendment.

Before yielding back, I want to thank the Chair for being a very responsible and fair-minded chair tonight. We thank you for that service. I want to congratulate the chairman of the subcommittee, who has been easy to work with and understanding of issues on this side of the aisle, and he has been very forthcoming and cooperative, but, at the same time, disciplined in his own approach, and to the staff on both sides of the aisle. This has been a long week for them, as well as a long several months now. I want to thank the staff for the great work that they have done.

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

Mr. PRICE of North Carolina. Mr. Chairman, I simply want to echo his kind words. It's a pleasure to work with him, it has been for these last 4 years, as he has chaired this committee, and it has been a pleasure to work with him this year, a real professional who takes oversight seriously and who takes writing this budget seriously.

Mr. ROGERS and his staff, the staff here on this side, I won't ask how many hours of sleep they have had in the last several days.

But it has been a real pleasure. I hope we will have a chance in the presence of the whole body tomorrow morning to pay tribute a bit more formally. But we are grateful.

We are also grateful to see this evening come to a close. We will, of course, with our colleagues tomorrow, be having, I think, probably a record number of roll call votes in rapid sequence.

With that, we are ready to conclude, and I yield back my time.

Mr. ROGERS of Kentucky. I thank the chairman, and I am glad that he is continuing the tradition of this subcommittee in being a bipartisan, strong oversight subcommittee to see this new Department to a success one of these days, we hope.

Mr. Chairman, I urge an "aye" vote, and 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 question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROGERS of Kentucky. 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 Kentucky will be postponed.

Mr. PRICE of North Carolina. 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. SERRANO) having assumed the chair, Mr. Ross, 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. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of illness in the family.

#### ADJOURNMENT

Mr. PRICE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes a.m.), the House adjourned until today, Friday, June 15, 2007, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2209. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Corrections to Regional Office Information — received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2210. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2211. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Roma, Texas) [MB Docket No. 05-142 RM-11220] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2212. A letter from the Chief of Staff to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wofford Heights, California) [MB Docket No. 03-91 RM-10693] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2213. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Glen Arbor, Michigan) [MB Docket No. 03-142 RM-10539] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2214. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jackson, Wyoming) [MB Docket No. 05-101 RM-11159] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2215. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers [CG Docket No. 02-386] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2216. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30545 Amdt. No. 3214] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2217. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Transportation; Miscellaneous Revisions to Registration and Fee Assessment Program [Docket No. PHMSA-2006-25589 (HM-208F)] (RIN: 2137-AE11) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2218. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2007-26812; Directorate Identifier 2006-NM-199-AD; Amendment 39-15006; AD 2007-07-09] (RIN: 2120-AA64) received May 10, 2007, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W [Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-15005; AD 2007-04-19R1] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2006-26685; Directorate Identifier 2006-NM-200-AD; Amendment 39-15015; AD 2007-07-14] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped With General Electric CF6-50 Engines [Docket No. FAA-2006-25965; Directorate Identifier 2006-NM-127-AD; Amendment 39-15013; AD 2007-07-08] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Valdez, AK [Docket No. FAA-2006-26719; Airspace Docket No. 06-AAL-41] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30546; Amdt. No. 3215] (RIN: 2120-AA65) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHERMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. THOMPSON of California, Mr. COHEN, Mr. ENGEL, Mr. GRIJALVA, Ms. HIRONO, Mr. KIRK, Mr. LANGEVIN, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, and Mr. BERMAN):

H.R. 2711. A bill to amend title 18, United States Code, to prohibit certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. FORTUÑO, Mr. MACK, Mr. MANZULLO, Mr. McCUAUL of Texas, Mr. McCOTTER, Mr. SMITH of New Jersey, Mr. PENCE, Mr.