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□ 2000

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012—Continued

The coordination and collaborative efforts at this facility are critical and will help limit further harm. Limiting or cutting UASI funding could devastate this counterterrorism and readiness task force and negatively impact the work they have undertaken to ensure the better coordination and communication amongst law enforcement officials and emergency responders.

One compelling lesson learned from the terrorist attacks on 9/11 was that emergency responders and law enforcement officials need to have streamlined communication and command and control infrastructures. This facility is the embodiment of that lesson.

The threat to Sacramento should not be taken lightly. Sacramento is the capital of California, the most populous State in the Union, and the seventh largest economy in the world. It is critical to continue to support the anti- and counterterrorism work being done there. It is unacceptable to leave this region without appropriate funding to ensure its protection, as Sacramento and the region have important security needs.

A mere 30-minute drive upstream from Sacramento along the American River lies the Folsom Dam, which holds water back from hundreds of thousands of homes, the State capitol building, State and local agencies, and thousands of small businesses. A terrorist attack there has the potential to devastate Sacramento and much of the surrounding region through massive flooding.

Beyond the human toll, which is unthinkable, this would have a crippling effect on California and on the country as a whole. Sacramento is home to numerous State and Federal agencies and facilities. Government buildings and

facilities are high-profile targets and require vigilant protection and further highlight the need for UASI funding in my district.

My district is also the home to a number of transportation systems, from light rail to passenger rail to commercial freight rail. An attack could, again, aside from the human toll, greatly hamper nationwide commerce and impair the national economy.

Mr. Chairman, this amendment will bolster our Nation's security by better providing more communities across the Nation with the tools and training necessary to keep us safe.

I urge my colleagues to vote in support of this amendment.

I yield back the balance of my time.

Mr. SCALISE. I move to strike the last word.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. I rise in support of the Clarke amendment. In fact, I have a similar amendment filed at the desk that I won't need to bring forward because this amendment accomplishes the same thing.

What the amendment says is that all of those cities, the 54 cities that were arbitrarily removed from eligibility, should have that same opportunity to compete for these Homeland Security grants. It doesn't increase funding at all but says: Why are we limiting our threat assessment cities to 10 cities when, in fact, many other cities have exposure to risks?

And if we just look at what we found so far from the raid of Osama bin Laden's compound, they looked through and found some of the things that these terrorist cells may be going after. And, in fact, some of the very terrorist threats were targeting areas that are included in some of these cities that have arbitrarily been removed from eligibility for these Homeland Security grants.

So all we're saying is, in cities like New Orleans, and if you just look at the corridor between New Orleans and Baton Rouge—and both cities, both New Orleans and Baton Rouge were arbitrarily removed from eligibility. Between the Port of New Orleans and all the shipping transport that's done there, as well as all of the oil and gas infrastructure for our country that's located in that region, all of the chemical plants that are located in that region, they are part of that terrorist assessment that were determined in the data that we've retrieved from Osama bin Laden's compound, including the threat to oil tankers and ships, some of the very commerce that moves through the Port of New Orleans, and yet the Port of New Orleans is removed from eligibility.

So this amendment doesn't guarantee that they will get any of these—any access to these grants, but what it does say is they've got the ability to compete if the terrorist threat is determined to be high enough to where they should be able to get the funding from those grants, because our terrorist threats change from day to day, from year to year. We get more information, just as we've recently gotten a treasure trove of new information on where those threats are. Why should we arbitrarily remove some of the very cities that may rise to the top of that list?

So this gives the flexibility back to the Department of Homeland Security to allow those other cities to compete where there are real terrorist threats. So that's what this amendment does.

I support the amendment, and hopefully we will be able to get this language added back in.

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

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. FUDGE. I rise in support of the amendment offered by my colleague regarding UASI.

□ 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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This amendment corrects a provision that arbitrarily limits UASI eligibility to the top 10 high-risk cities. This limitation would reduce locales eligible for UASI grants by more than 50 cities as compared to just last year, excluding cities such as Cleveland from receiving these grants.

The UASI grant program provides unique equipment planning and training to help local authorities, first responders, law enforcement, and agencies. This program specifically addresses the needs in high-threat urban areas to help these communities prepare, prevent, and protect and recover from a terrorist attack and other disasters.

Large cities are not the only targets for terrorist attacks. We know now Osama bin Laden urged his followers to plot attacks in smaller U.S. cities. Smaller cities were to be used as staging grounds to plan and test attacks in larger cities. That is why UASI is so important.

UASI funding has been utilized to equip, train, and exercise first responders and safety personnel for improvised explosive devices and WMD-specific events. If funding is completely cut, the lives of first responders and the public will be placed in grave danger due to the lack of equipment, training, and exercises.

The City of Cleveland launched the public safety systems automation project utilizing UASI funding to enhance the Cleveland Department of Public Safety information systems. This effort aided the city in its modernization of public safety systems. The new information systems include mobile computing systems that connect public safety officers to Federal, State, and county information in their vehicles, and computer-aided dispatch which facilitates the transmission of fire/EMF and police and automated vehicle location. These systems assist in mitigating emergencies, protecting safety personnel, and improving the protection of life and property.

Cleveland has applied its allotted portion of Department of Homeland Security money to: 1,400 personal protective equipment items; WMD training to over 1,700 safety personnel; NIMS/ICS training, Homeland Security planning personnel; surveillance equipment for areas of critical infrastructure; computer-aided dispatch for police, fire, and EMS; and the Northeast Ohio Regional Fusion Center.

Homeland Security planning personnel are essential to strengthening the City of Cleveland's preparedness planning activities. They have outlined the downtown Cleveland emergency evacuation plan, inclement weather plan, emergency operations plan, and the continuity of operations plan, which provide important support to citizens during the event of a disaster. Without the planning personnel, the city's emergency management response capabilities would be severely limited, and the lives of first responders and the public would be in severe danger.

Mr. Chair, these funds are necessary to address the security needs of our Nation. I support this amendment and urge my colleagues to vote in favor of it.

Ms. MOORE. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized 5 minutes.

Ms. MOORE. I rise to support this amendment. In fact, I had an identical amendment to strike this restrictive language with respect to the Urban Area Security Initiative.

In fiscal year 2010, over 60 urban areas, including my own City of Milwaukee, were eligible for formula assistance under this grant because they met the Department of Homeland Security's risk assessment analysis. But the legislation before us would arbitrarily tie the Secretary's hands from distributing these funds to any cities that fall outside the top 10 so-called most vulnerable.

□ 2010

Since 2004, the city of Milwaukee and the surrounding counties that surround Milwaukee, Ozaukee, Racine, Washington, and Waukesha have obtained nearly \$400 million in this UASI funding to enhance the safety of over 2 million residents. And even though this assistance has been small, we are very, very proud of what we have been able to accomplish in terms of securing the area.

For example, in Milwaukee, my constituents are safer because we have used this assistance to train emergency medical teams, train and equip hazardous material and bomb squads, create continuity of operations plans, and to analyze intelligence. It also helps to fund our Intelligence Fusion Center, a place to collect and exchange information from government, public safety, private sector, and all levels of enforcement. And I have heard concerns from our mayor, police chief, fire chief about whether or not we could continue to manage disaster funding without this funding.

And the concerns aren't just limited to being prepared for acts of terrorism. The loss of this funding would disable us from being prepared to respond to large-scale emergencies such as flooding or tornadoes. I can tell you that it is pennywise and pound foolish to simply arbitrarily limit this funding. It just doesn't make any sense to go backwards.

You've heard here already on this floor that officials have reported that Osama bin Laden's documents even schooled his followers to avoid U.S. counterterrorist defenses. He said don't limit attacks to New York City. Consider other areas, or smaller cities. Spread out the targets. We just might as well fax al Qaeda the list of urban areas that will lose Federal support, areas like Phoenix, Anaheim/Santa Ana, Riverside, Denver, Miami-Dade/Fort Lauderdale/Palm Beach, Orlando,

Tampa, Atlanta, Baltimore, Detroit, Twin Cities, St. Louis, Las Vegas, Charlotte, Cincinnati, Cleveland, Portland, Pittsburgh, Norfolk, Seattle, Tucson, Bakersfield, Oxnard, Sacramento, Bridgeport, Hartford, Jacksonville, Honolulu, Indianapolis, Louisville, Baton Rouge, New Orleans, Kansas City, Omaha, Albany, Buffalo, Syracuse, Rochester, Columbus, Toledo, Oklahoma City, Tulsa, San Juan, Providence, Memphis, Nashville, Austin, El Paso, San Antonio, Salt Lake City, Richmond, and Milwaukee.

This amendment is simple, budget neutral, and gives the administrative power back to the experts who are there solely to keep our cities and country safe.

I yield back the balance of my time.

Mr. HIMES. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. HIMES. Mr. Chair, I rise in support of the amendment offered today by the gentleman from New York. At its core, this amendment is simple, but its impact is significant. The bill we are currently debating contains a provision that would arbitrarily limit UASI eligibility for 2012 to areas within the country deemed to be the top 10 high-risk cities. If passed as it is, this bill would reduce the number of communities eligible for UASI grants by more than 50 cities, many of them named by my colleague from Wisconsin, among them, the Bridgeport/Stamford metropolitan area, which includes the majority of the cities and towns in my district.

I strongly support this amendment, which removes the language from the bill that illogically restricts UASI funding to just 10 cities. Since its creation in 2003, the intent of the UASI program has been to enhance regional preparedness in and around major metropolitan areas, and to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response, and recovery.

Setting an arbitrary limit on the number of locations eligible to receive funding under this program is contrary to the intent of the program and contrary to our efforts to address the growing and evolving threats of homegrown terrorism. Moreover, this restriction is dangerous. Localities with the highest risk of being attacked are often not the locality where those attacks are being planned and can be stopped.

In my district, the loss of UASI funding would completely derail a major interagency communications project. In addition, much of the counterterrorism work underway in Fairfield County has been implemented in phases. A reduction in funds at this point will effectively waste the work that has already been done.

The risks to my constituents are very real. My district's proximity to New York City not only increases the

likelihood of a terrorist attack, but also increases the potential that someone in our area will plan an attack with the intention of inflicting the attack on New York City. We have seen this time and time again.

After local law enforcement officials from Fairfield County helped to capture Faisal Shahzad, the Times Square bomber last year—Faisal Shahzad who had operated in my district—it is unfathomable to think that their work would be deemed nonessential in the fight against terrorism. And just 2 weeks ago, on May 19, a Bridgeport resident accused of making and selling pipe bombs was arrested after allegedly attempting to sell eight of these explosive cylinders in the Bronx.

While we can all agree that shared sacrifice is required to bring our Federal deficit under control, I cannot support cuts to a national security program which has proven to be not just effective, but also essential to our safety. This is a time for our communities to stay vigilant. Without the proper resources, our communities cannot maintain the proper level of readiness and cannot ensure that they are properly secured.

I strongly urge my colleagues on both sides of the aisle to support this amendment.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mrs. LOWEY. I thank the gentleman for yielding.

I rise for clarification. With great respect for my colleagues, and understanding the importance of Homeland Security dollars, I am very concerned that there seems to be a misunderstanding. I would like to read again the quote from the 9/11 Commission. "Federal Homeland Security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks of vulnerability that merit additional support. Congress should not use this money as a pork barrel."

I would also like to remind my good friends that under the Homeland Security grant program, there are many other sources of funding for these communities. California, for example, is getting \$153,953,988. Connecticut is getting over \$12 million. Nevada is getting over \$10 million, et cetera, et cetera. So there seems to be some misunderstanding that the UASI program should cover all the Homeland Security funding for these States.

We believe strongly that there are reasons for funding, certainly by formula—and that's the way this bill is written—almost every city, over 50 cities in the United States. But the UASI funding is specifically targeted to those areas such as New York that are pointed to by the terrorists. I don't

want to mention bin Laden, but others, they clearly are the most at risk. And if you're number one, there clearly should be a rationale for getting the funding. So those 10 cities will be getting the funding because they're most at risk. But the other Homeland Security funding will be divided by formula to all the other Representatives of States that are here today. So I respect your needs. I think it's very important. And there is money in this bill that would cover the needs which you so articulately discussed today.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. JOHNSON of Georgia. Mr. Chair, I rise in support of the amendment offered by the gentleman from New York, Congressman HIGGINS. The Urban Area Security Initiative is administered by the Department of Homeland Security. It's a critical program focused on enhancing regional preparedness in high-risk areas by fostering better communication and collaboration among local first responders. These grants provide local authorities, first responders, and law enforcement with the resources they need to prepare for, prevent, and recover from attacks and other disasters impacting communities across America.

□ 2020

This Homeland Security appropriations bill is dangerous as it restricts the initiative to allow only 10 urban areas to be eligible for the program and its funding. This would cause more than 50 cities, including Atlanta, to lose funds.

Mr. Chair, as we all know, terrorists do not limit their attack to only 10 cities. We should not leave Americans who do not live in these 10 cities unnecessarily and arbitrarily vulnerable to disaster. My home State of Georgia greatly benefits from the Urban Area Security Initiative grants.

In 2010, the Atlanta urban area received \$13.5 million in grants. Atlanta, one of the most populous and fast-growing cities in the region and home to the world's busiest airport, and already the scene of one terrorist attack during the 1996 Olympics, would lose critical funding under this bill.

The Fusion Center in Atlanta not only benefits the metropolitan area, but the entire State of Georgia. The Fusion Center is an information hub for the State. Local law enforcement and officials collect suspicious activity reports and send them to Federal law enforcement officials.

In the Fourth District of Georgia, the DeKalb County Fire Rescue Corps recently received an Urban Area Security Initiative grant from FEMA, which will enable it to operate a mobile canteen rehab unit that supplies food and beverages for firefighters and emergency responders during lengthy emer-

gency incidents. The funds have also been used to support citizens corps and community efforts towards preparedness and community response efforts.

These funds are critical to helping Georgia develop a regional exercise plan, develop annexes to include tactical operations for use during an evacuation and for emergency public information.

Mr. Chairman, I stand here in support of this bipartisan amendment that would remove this arbitrary restriction on this program from this bill.

I urge all my colleagues to support this commonsense amendment, which would not add one penny to the debt or deficit.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CLARKE).

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

Mr. CLARKE of Michigan. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. HECK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 17, strike "10" and insert "25".

The Acting CHAIR. The gentleman from Nevada is recognized for 5 minutes.

Mr. HECK. I am offering this amendment to restore funding to the top 25 cities under the Urban Area Security Initiative.

This issue is personal to me. I spent a great deal of my career in the anti-terrorism field. I have developed threat assessments and plans for terrorism countermeasures and prevention on the local, State and Federal levels.

I oversaw medical response operations to the embassy bombings in East Africa in 1998 and the bombing of the USS *Cole* in 2000, and I was a first responder to the World Trade Centers. I felt the heat from the rubble pile as it melted firefighters' boots. I breathed the dust and chaos into my lungs as we worked around the clock.

I have seen terrorism firsthand; and I will, we must, do everything possible to prevent another attack on this U.S. homeland.

One of the failures identified after the 9/11 attacks was the lack of coordination between local first responders and Federal counterterrorism specialists. The UASI grant fills this vacuum. If this amendment doesn't pass, key areas' terrorism readiness funding will go away.

I understand the need to prioritize dollars and scarce resources, but limiting funding to a cap of 10 cities threatens our overall national preparedness. This amendment does not

increase costs, but expands the total number of cities under consideration to at least 25.

Let me tell you about my district, my area, Las Vegas and Clark County. According to the Department of Homeland Security, we have 221 elements of critical infrastructure and key resources. These include the Hoover Dam, which supplies power to over 500 million homes and the new dam bypass bridge, which is the second dam bypass bridge in the United States. We have Nellis Air Force Base and the world famous Las Vegas Strip. The Las Vegas area is also home to 17 of the world's 20 largest hotels, with almost 149,000 rooms.

At the corner of Las Vegas Boulevard and Tropicana Boulevard, there are more hotel rooms than in the entire City of San Francisco. And we have seen that the hospitality and tourism industry has become the soft target of choice since 9/11 with nine attacks against international hotel resorts over the last 9 years, including the coordinated attacks in Mumbai in 2008.

Two weeks ago, I toured the Southern Nevada Counterterrorism Fusion Center, our State's primary fusion center. These centers facilitate greater cooperation between local first responders and Federal counterterrorism specialists and are supported by UASI funding.

Now is not the time to recreate the vacuum that existed prior to the UASI program. Now is the time to stand behind those who stand on the front lines providing the blanket of protection under which we rest at night. It is for these reasons that I offer this reasonable and measured amendment that increases the number of eligible cities to 25.

I urge my colleagues to support this amendment.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. The bill before us today was born out of the need for reform. It consolidates various grant programs and provides discretion to the Secretary. These reforms include funding reductions, requirements for measurement and requirements for spending languishing dollars.

The consolidation of this bill forces the Secretary to examine the intelligence and risk and puts scarce dollars where they are needed most, whether it is port, rail, surveillance or whether it is high-risk urban areas or to States, as opposed to reverse engineering projects to fill the amount designated for one of the many programs or granting funds to lower-risk areas.

Additionally, as noted by the gentleman, the bill limits Urban Area Security Initiative grants to the top 10 highest cities. Again, this puts scarce dollars to where they are most needed.

That means cities like New York are funded at the significantly higher lev-

els than other cities because they are the highest threat to urban areas. I don't think anyone here can argue that.

This does not mean lower-risk areas will lose all funding. It would just mean the funds will come from other programs such as State homeland grants that are risk and formula based.

I strongly urge my colleagues to support fiscal discipline by aligning funding with areas of highest risk and vote "no" on this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The amendment was rejected.

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

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, as we approach the 10th anniversary of the 9/11 attacks, we are reminded that a key recommendation of the 9/11 Commission is still not completely addressed, that is, the security of the most commonly used form of identification in the United States, the driver's license.

All but one of the 9/11 hijackers carried some form of government-issued ID, mostly State driver's licenses, many of which were obtained in fraudulent manners. During the planning stages of the attacks, these documents were used to rent vehicles, evade law enforcement officials, enroll in flight school and board airplanes.

In 2005, Congress passed, and the President signed, the REAL ID Act to address the security gap and require States to meet certain security standards for the issuance of driver's licenses and identification cards. Despite that action 6 years ago, REAL ID has yet to be fully implemented.

My distinguished colleague, the chairman of the Judiciary Committee, Mr. SMITH, has some views to offer on this important topic.

I yield to the gentleman from Texas. Mr. SMITH of Texas. I thank the gentleman from Alabama for yielding.

He is absolutely correct. On September 11, 2001, Americans were attacked by foreign nationals who were able to exploit our laws and live unnoticed in the United States. The 19 hijackers obtained 17 driver's licenses from Arizona, California, and Florida and 13 State-issued IDs from Florida, Virginia, and Maryland.

□ 2030

With these licenses and identification cards, they boarded the planes they used to murder over 3,000 innocent Americans.

The 9/11 Commission recommended that "the Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry

points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

Congress paid attention and passed the REAL ID Act. The law is critical to national security. This administration has undermined the REAL ID Act at every turn. They extended the compliance deadline two times, most recently last March, so now States do not have to be REAL ID-compliant until January 1, 2013. That is 11½ years after the 9/11 attacks.

And Secretary Napolitano consistently pushes for repeal of REAL ID instead of compliance. Most recently, before a March 9, 2011, Senate Judiciary hearing, she urged Congress to take a fresh look at legislation that would actually repeal the REAL ID Act.

States are making progress on REAL ID. In fact, as of March 29, 2011, Maryland, Tennessee, Connecticut, South Dakota, and Delaware have submitted full compliance certification packages to DHS. Twenty-three other States are compliant and/or are issuing compliant documents. Four additional States have enhanced driver's license programs comparable to REAL ID guidelines.

For these reasons, congressional support, including funding, is critical to REAL ID implementation. I am concerned that H.R. 2017's grant reform initiative may give the impression that Congress no longer supports REAL ID funding.

So I ask the gentleman from Alabama: How do you respond to that concern?

Mr. ADERHOLT. Mr. Chairman, I strongly support the REAL ID implementation.

REAL ID is the law. The Department has an obligation to support the States in moving forward toward full compliance with enhanced driver's license security. Congress has appropriated a steady stream of funding for REAL ID since 2006—\$295 million, to be exact.

Additionally, driver's license security is an allowable expense under the State Homeland Security Grant Program. So the actions taken in this bill should in no way be taken as a sign of diminishing support for REAL ID implementation.

Mr. SMITH of Texas. I thank the gentleman for that statement, and I ask him if he would further yield.

Mr. ADERHOLT. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the remarks of the gentleman from Alabama and his endorsement of the REAL ID Act. The risk to not implementing REAL ID is great. Perhaps most recently this was evidenced by the facts surrounding the February arrest of Khalid al-Dawsari in Texas on a Federal charge of attempted use of a weapon of mass destruction. According to the arrest affidavit, when the FBI searched his residence, they found his journal in which

he wrote of the need to obtain forged U.S. birth certificates, multiple driver's licenses, and a U.S. passport. He planned to use those driver's licenses to rent several cars, each with a different license specifically to avoid detection.

So terrorists are still planning to exploit the weaknesses in our driver's license issuance processes in order to attack us. If we don't do everything in our power to prevent that from happening by fully implementing REAL ID, we set ourselves up for another attack.

Mr. Chairman, I look forward to working with the gentleman from Alabama as this bill moves forward and on future appropriation bills to support States as they move toward full implementation of REAL ID.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$350,000,000, of which \$200,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$150,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2013: *Provided*, That not to exceed 10 percent of the amount available under this heading shall be transferred to "Federal Emergency Management Agency, Management and Administration" for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program administration shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 9, before the period insert "*Provided further*, That an additional \$1,229,500,000 is available for State and Local Programs with this amount designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress)."

Page 51, line 5, before the period insert "*Provided further*, That an additional \$460,000,000 is available for Firefighter Assistance Grants with this amount designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress)."

Page 91, line 20, after the dollar amount insert "(increased by \$1,500,000,000)".

Mrs. LOWEY (during the reading). I ask unanimous consent to waive the reading.

The Acting CHAIR. Without objection, the reading of the amendment is waived.

Mr. ADERHOLT. Mr. Chairman—

The Acting CHAIR. The gentleman will suspend.

The gentlewoman's amendment falls within the previous paragraph.

Mrs. LOWEY. I ask unanimous consent to return to the previous paragraph.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New York?

Mr. ADERHOLT. I object.

The Acting CHAIR. Objection is heard.

Mrs. LOWEY. I move to strike the last word, then.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, my amendment would address two critical shortfalls in the fiscal year 2012 Homeland Security appropriations bill: inadequate funding for communities devastated by recent disasters, and for first responder and antiterror programs.

We have a responsibility to help rebuild homes and businesses following disasters throughout the South and Midwest where communities are reeling and families are mourning and rebuilding.

Chairman ADERHOLT, whose Alabama district was devastated by tornadoes, took the first step in committee by increasing disaster relief funding, and I supported his efforts. My amendment builds upon his work to provide an additional \$1.5 billion in disaster relief to help FEMA respond to needs that far exceed funding levels in this bill.

Just as we have a responsibility, however, to help communities rebuild from natural disasters, we must help them prepare for and prevent manmade ones.

Funding for FEMA's first responder grants as well as the proposed block grant structure provide inadequate levels to protect and prepare the top terror targets in the Nation or to keep our communities safe from fire hazards.

The State Homeland Security Urban Area Security Initiative, Transit Security, Port Security, and additional grant programs will be forced to compete against each other for only two-thirds of the \$1 billion provided for first responder grants, which is a cut of roughly \$1.5 billion to the program.

Further, by dramatically reducing funding for firefighter grants, the Republican majority would shift a tremendous burden to local communities to either slash services or increase taxes to ensure adequate fire coverage.

My amendment would increase funding for disaster relief by an additional \$1.5 billion, while also bringing first responder and fire grant programs back to their fiscal year 2011 levels.

Now, some of my colleagues across the aisle object to funding recovery efforts without offsets. Those from areas affected by recent disasters, including Republican Senator ROY BLUNT, understand that the overwhelming recovery need must be prioritized. And all of us know the repercussions of allowing our first responders to go unprepared or untrained in this dangerous world.

Earlier this year, even before the death of Osama bin Laden increased

our state of alert, Secretary Napolitano testified that we were at our most heightened state of terrorist threat since September 11.

If this bill is adopted without my amendment, hundreds of millions of dollars in antiterror funds will be taken from our most targeted regions. Just weeks after intelligence gathered at Osama bin Laden's compound indicates a clear intent to strike the Nation coinciding with the 10th anniversary of the 9/11 attacks, such reductions would be unconscionable.

I urge my colleagues to support the amendment.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. I want to express my support, Mr. Chairman, for the intent of my colleague from New York in calling attention to the major deficiency in this bill.

But, Mr. Chairman, I feel compelled also to express my extreme disappointment about what has just occurred on this floor. Our colleague was on her feet ready to offer her amendment. She was on her feet ready to offer this amendment. Somebody may have thought that she was a couple of seconds late in doing that. But even if that were true, we expect the basic comity that a colleague who has been waiting here for an hour to offer this amendment, has been waiting in turn, that we would have the basic comity to allow her to offer that amendment.

□ 2040

I can't believe what we've just witnessed.

Mr. ADERHOLT. Will the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield to the gentleman from Alabama.

Mr. ADERHOLT. If you would give us just a minute, we are trying to see if we can work something out on this.

Mr. PRICE of North Carolina. I certainly hope so.

That's good, Mr. Chairman. I am very pleased to hear that.

Let me go ahead and say something about my colleague's intent, because there is a major deficiency in this bill, and we need to address this, although it's extremely hard to address without the presence of viable offsets.

State and local grants in this legislation are 55 percent below the enacted 2011 level. They are 70 percent below the enacted 2010 level. Moreover, these State and local grants are block granted. Individual programs, such as State grants and urban area grants and port grants and transit and rail grants, could be cut even farther because at the Secretary's discretion she is going to have to choose within this block grant as to what kind of money goes to individual programs.

At the full committee markup of this bill, Congressman LATOURETTE and I

offered a very similar amendment to what Mrs. LOWEY has put forward to restore funding to these programs. Now, we're not talking about lavish funding here. By no means would the funding be lavish. In fact, it would simply be equal to the already reduced fiscal year 2011 levels; but we, unfortunately, were not allowed to move forward with the offset that I earlier discussed which had to do with correcting the mislabeling, we believe, of emergency funds.

In any case, we are faced with the threat of terrorism looming larger and massive cuts to first responders and to State and local preparedness. We are ignoring key investments in this bill that would make our communities safer. Local governments are our first response to terrorist attacks, to natural disasters and to other emergencies. Local law enforcement, fire, emergency medical, as well as county public health and other public safety personnel, are responsible for on-the-ground response and recovery action. Local communities, in addition, own, operate and secure essential aspects of our Nation's infrastructure, such as our ports, transit systems, water supplies, schools, and hospitals.

Plainly put, Mr. Chairman, these cuts are shortsighted. I am very, very pleased that our subcommittee colleague Mrs. LOWEY has made such persistent efforts to correct this bill's deficiencies and to keep faith with the parts of our country that we know are in the greatest peril.

With that, I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, we are trying to work out an agreement with the gentlelady from New York.

If you will give us a minute to work this out, we will try to find something that can be accommodating to both parties.

Mrs. LOWEY. I appreciate it. You have been very, very helpful. Thank you.

Mr. ADERHOLT. I yield back the balance of my time.

Mrs. LOWEY. I now ask unanimous consent to consider my amendment out of order.

The Acting CHAIR. Without objection, the Committee will return to that point in the reading first addressed in the amendment of the gentlewoman from New York (Mrs. LOWEY).

There was no objection.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order against the gentlelady's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I would like to make a few additional points because, previously, I did discuss the amendment in

greater detail, and I thank the chairman for his consideration. There are a couple of important things. As to the \$1 billion to the block grant funding, I think it is important that we look at the breakdown:

\$192.6 million for law enforcement training and exercises; \$55 million for Operation Stonegarden grants, which is overtime costs; and \$85 million for FEMA to administer the grant programs, which is the Department of Homeland Security estimate. This brings the funding total down to \$667.1 million before the block grant even begins to be distributed to the State Homeland Security Grant Program, UASI, the Metropolitan Medical Response System, Interoperability, Port Security, Transit Security, and Citizen Corps.

SHSGP is written in such a way that it doesn't have to even be funded; but if it is, there are minimum funding requirements for each State and territory—.35 percent of total funds for FY12. Given that SHSGP provides funding to each State, there is no scenario under which the Secretary does not fund this program. That is mandatory. So the minimum funding level that can be provided for SHSGP and that can comply with the statutory requirement is \$125.4 million. This would leave just \$551.7 million remaining for UASI, MMRs, Interoperability, Port Security, Transit Security, Citizen Corps.

Now, I discussed previously when I introduced my amendment that there are tremendous needs for responding to the recent disasters all around this country that are really unheard of—the tornadoes, the floods, the loss of life. People have to rebuild their homes, rebuild their lives. It is essential that we appropriate that additional money, and it is also essential that we respond to the threats which are still out there. People will say bin Laden is gone, but there is an entire network that we have to be concerned about. So, Mr. Chairman, I hope that we can respond adequately to both disaster needs and the needs of our UASI areas with regard to terrorist response for the grants.

Let me conclude by thanking you, after sitting here for 6 hours, maybe 8 hours today, for allowing me to offer this amendment after being late for 10 seconds. I appreciate your consideration. I appreciate the support, and I do hope we can pass it and respond to the real needs out there for both disasters and the terrorism threats that are within our communities.

Mr. REYES. Mr. Chair, I rise to support the amendment offered by Mrs. LOWEY to restore funds to the State and Local Grant Programs account in the FY2012 Homeland Security Appropriations Bill.

As you know, various programs under the Department of Homeland Security such as the Urban Areas Security Initiative, Operation Stonegarden, and FIRE and SAFER grants, provide communities across the country with the resources and tools necessary to keep us safe.

Unfortunately, the FY2012 Homeland Security Appropriations Bill funds the State and Local Grant programs almost 65 percent below the President's request. And, while I appreciate the Committee's efforts to consolidate and streamline the process, I concur with Mr. PRICE's sentiments when he says that these cuts "break faith with the states and localities that depend on us as partners to secure [and protect] our communities."

These steep reductions have prompted President Obama to release a Statement of Administration Policy expressing great concern regarding the insufficient amount of funds that are critical to support ongoing homeland security prevention and preparedness programs to ensure that all levels of government have the capacity to respond to threats. As our local governments continue to face financial challenges, these federal grants help ensure that our communities have the resources they need to stay safe.

As I have mentioned before, El Paso, Texas, the city which I represent, sits on the U.S.-Mexico border across from what is arguably one of the most violent cities in Mexico—Ciudad Juarez. Yet, despite this, El Paso has continued to rank as one of the safest cities in the country. Indeed, in 2010 it was ranked the safest large city. I attribute this to the great work of law enforcement in our community which is supported by the resources from programs funded through the State and Local Grants account.

With the continued violence in Mexico and other potential security threats in our area, funding for the State and Local Grants accounts is especially critical. These federal grants help ensure that our local law enforcement agencies have the resources they need to ensure that El Paso remains the safest city in the U.S.

As former Chairman of the House Permanent Select Committee on Intelligence, I know very well the importance of providing our cities with adequate resources to prepare, prevent, and protect against attacks. This is a time for our communities to remain vigilant, and it is unwise to cut off resources in such a drastic way—especially as some of my colleagues seek to paint the border as violent and lawless.

Mrs. LOWEY's amendment provides necessary increases for disaster relief, police department anti-terror programs, and firefighter grant programs—restoring the latter two to their 2011 levels. If this amendment does not pass, the Republican Homeland Security Appropriations bill would dramatically reduce support for police and fire departments. This shifts the costs to local communities, forcing them to slash jobs and services, or increase taxes.

I urge my colleagues to support the Lowey Amendment to ensure that our communities remain safe.

Mrs. LOWEY. I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. The amendment proposes to amend portions of the bill not yet read. Section 17, Chapter 2 of the House Practice book states, in

part: It is not in order to strike or otherwise amend portions of a bill not yet read for amendment.

I ask for a ruling from the Chair.

The Acting CHAIR. To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentlewoman from New York proposes only to increase certain accounts in the bill, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

□ 2050

The Clerk will read.

The Clerk read as follows:

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.), \$350,000,000: *Provided*, That not to exceed 10 percent of the amount available under this heading shall be transferred to "Federal Emergency Management Agency, Management and Administration" for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program administration shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, 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 amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, 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.), \$42,538,000.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$2,650,000,000, to remain available until expended: *Provided*, That the Federal Emer-

gency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support not later than 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That not later than 60 days after the date of enactment of this Act, \$105,600,000 shall be transferred to "Federal Emergency Management Agency, Management and Administration" for management and administration functions: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit the monthly "Disaster Relief" report, as specified in Public Law 110-161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives providing estimates of funding requirements for "Disaster Relief" for the current fiscal year and the succeeding three fiscal years which shall include—

(1) an estimate, by quarter, for the costs of all previously designated disasters;

(2) an estimate, by quarter, for the cost of future disasters based on a five-year average, excluding catastrophic disasters;

(3) an estimate, by quarter, for the costs of catastrophic disasters excluded from the five-year average subdivided by disaster and shall include the amount already obligated and the remaining estimated costs; and

(4) an estimate of the date on which the "Disaster Relief" balance will reach \$800,000,000: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall develop a policy and provide a report on such policy that defines the five-year average used to develop the budget estimates for disaster relief not later than 60 days after the date of enactment of this Act that shall include a clear and reproducible definition of the five-year average used as a basis for the request, the responsible official who develops the average, and the data source(s) used: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall include in the fiscal year 2013 budget submission for disaster relief a clear statement of the five-year average used as a basis for the request, the fiscal years included in the average, a list of the obligations for each of the five fiscal years, and all adjustments made to the gross obligation total for each of the five fiscal years, including a record of which catastrophic disasters are excluded from each year's obligation total and the associated amount excluded; inflation adjustments; and the amount and source of recoveries applied against the obligation total: *Provided further*, That the President shall submit an offset budget amendment from within discretionary funds not later than three months prior to the date that the Administrator of the Federal Emergency Management Agency estimates that the total amount remaining unallocated in "Disaster Relief" will reach \$800,000,000, and that the request shall account for all estimated funding requirements for that fiscal year: *Provided further*, That 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 for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of the Department policies on—

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

(B) the necessity for timeliness of agency billings.

AMENDMENT OFFERED BY MS. RICHARDSON

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 5, after the dollar amount, insert "(reduced by \$100,000,000) (increased by \$100,000,000)".

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes in support of her amendment.

Ms. RICHARDSON. Thank you, Mr. Chairman, for allowing me to speak on my amendment about disaster relief funding. My amendment is designed to support response, rescue, and recovery. In fiscal year 2011, the Disaster Relief Fund was funded at \$2.65 billion. I was pleased to see only, finally after great embarrassment, that we restored the funding of what it was previously in full year 2011 after the disaster we had in Joplin, Missouri. This amount of funding is not enough, and we should just be honest with the American public in terms of the budget of what the real costs are.

Hurricane season has not started yet, but FEMA has already made 37 major disaster declarations, seven emergency declarations, and 54 fire management assistance declarations already this year.

Just over the last few days, 142 people were killed in Joplin, Missouri, during the tornado that struck the city on May 22, 2011. This disaster is the highest recorded death toll from a tornado in U.S. history. The Joplin tornado destroyed an estimated 2,500 homes and damaged 10,000 others. In May, flooding in Memphis, Tennessee, devastated 1,300 homes and caused thousands to be displaced. In April, a powerful storm system spawned tornadoes across seven southern States, resulting in over 300 deaths in Alabama, Mississippi, Georgia, Arkansas, Virginia, and Kentucky.

Without disaster relief funding, or not having a sufficient amount of it, many of these communities would not be safe. These funds are used to be able to rebuild lives and communities. The Disaster Relief Fund is managed through FEMA. We need to ensure that people who are in need of assistance are not waiting on Congress to debate; but, in fact, Congress is responding with the appropriate resources.

This other approach is wrong. We should never hold relief funds hostage and allow citizens to suffer from a disaster while Congress debates. I think it

is unconscionable that we would not immediately allow FEMA the ability to provide the assistance that is needed to help rebuild our communities.

Now, let me show you a more recent picture of what happened in Joplin. You'll see in this picture that it appears a man is holding a child who doesn't even have socks and shoes. So when we talk about whether it is ideologically we believe in cutting the budget, we need to make sure that we are cutting in the right places and not in places like this.

Since full year 1989, Congress has appropriated roughly \$292 billion for disaster assistance in 35 appropriations bills, primarily as supplementals, two significant catastrophes that have occurred. The mean annual range that we have had to do as a supplemental is anywhere between \$8.3 billion and \$13.3 billion. Today we are considering only \$2.65 billion. Clearly, history tells us it is not enough, and the American public should not have to wait each time that we debate when we know that what we are looking at today is not enough.

Mr. Chairman, I urge the committee chair and my colleagues to support the Richardson amendment.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I accept the gentleman's amendment. However, I must clarify that the base bill includes \$2.65 billion and includes an additional \$1 billion in supplemental funds, and that is a total of \$1.8 billion above the request. So I would like to point that out to the gentleman, but we will accept her amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. RICHARDSON).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

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), \$296,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS
PROGRAM

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$102,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

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.), \$171,000,000, which shall remain available until September 30, 2013 and shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available for salaries and expenses associated with flood mitigation and flood insurance operations; and flood plain management and flood mapping: *Provided*, That not to exceed \$22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations: *Provided further*, That not less than \$149,000,000 shall be available for flood plain management and flood mapping: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2012, 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) \$132,000,000 for operating expenses; (2) \$1,007,571,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$50,000,000, which shall remain available until expended for flood mitigation actions, of which \$10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), 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), and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8) of the Flood Disaster Protection Act of 1973, section 1366(i) of the National Flood Insurance Act of 1968, and paragraphs (2) and (3) of section 1366(5) of the National Flood Insurance Act of 1968: *Provided further*, That total administrative costs shall not exceed four percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$40,000,000, to remain available until expended: *Provided*, That the total administrative costs associated with such grants shall not exceed three percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, 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, \$132,361,000 for immigration verification programs, including the E-Verify Program, as authorized by section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce; and of which none of the funds may be used for grants for immigrant integration: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

AMENDMENT OFFERED BY MR. HONDA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, beginning on line 15, strike “; and of which none of the funds may be used for grants for immigrant integration”.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. HONDA. Mr. Chairman, my amendment is a straightforward amendment that would remove language in the bill that targets immigrant integration grants.

What are immigrant integration grants, and why are they important?

Every year, immigrant integration grants provide funding to local churches, schools, and community centers across the Nation, from Catholic Charities in Dallas to the Ukrainian Community Center of Washington State to West Georgia Technical College to prepare legal permanent residents for citizenship.

Let me repeat, Mr. Chairman: these grants are for legal permanent residents, or citizens in waiting, like many of our parents and grandparents who came to America not speaking a word of English or knowing the great history and civics of our country.

Citizenship instruction through these grants must include U.S. history and government lessons and civics-focused English lessons. We often hear from the other side that immigrants coming to this country should learn English, and they should. These grants provide a way for immigrants to do exactly that. It is perhaps fortuitous—and that is spelled F-O-R-T-U-I-T-O-U-S, fortuitous—that we are debating this amendment as the 2011 Scripps National Spelling Bee begins its annual competition this week.

As one goes down the list of the 275 young student spellers, it is worth noting and pointing out that many of

them have parents who are immigrants or are immigrants themselves. Eight of the past 12 champions of the Scripps National Spelling Bee were foreign born or had parents who were foreign born.

Renowned linguist Ben Zimmer points out the connection between immigrant families and the spelling bee in this week's NPR story. On the topic Mr. Zimmer tells NPR: "These kids are spending sometimes a few hours a day going through word lists to learn the most difficult words in English. Very often, they are youngsters coming from immigrant families that really prize learning English as part of becoming assimilated into American culture. So, my hat's off to all these young spellers."

Mr. Chairman, the immigrants who rely on integration grants are often the parents of these success stories. They are the mother at the Hebrew Immigrant Aid Society in New York, or the father at the Lutheran Social Services of South Dakota who, after working two jobs in a day, still find the energy to make it to a night class where they can learn English and learn about our Nation's history and government.

The energy that drives these parents is the same energy that drove our immigrant parents and grandparents—the idea that their hard work would give their children a chance to a better life in America.

And while the English language learner population is often characterized as solely immigrant, the reality is that the native born, U.S.-born English language learner population nearly doubled between the year 2000 and 2005 and is increasing at a higher rate than the immigrant population.

□ 2100

Between 2010 and 2030, these first- and second-generation immigrants are projected to account for all growth in the U.S. labor force. Better preparing this workforce will unite and strengthen our country.

The notion that we as a Nation shouldn't fund programs like integration grants flies in the face of what our country is all about. These new Americans are not looking for an easy ride. They're simply looking for the chance to learn English, learn about the history of their new home, learn about the history of their adopted home, their choice of a new home, and integrate into the fabric of America. There should be a direct source of appropriations for immigrant integration grants, which this bill takes away. At the very least, there should not be restrictions on how USCIS can fund these important grants in this bill.

So I ask my colleagues to support this straightforward amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I appreciate the gentleman from California's views, and we accept this amendment.

However, I would like to state for the record that the \$132 million of appro-

propriated funds provided in this bill would not fund immigrant integration grants. They are provided for verification programs, both E-Verify and SAVE, and these are critical programs to the fund.

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

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

Mr. PRICE of North Carolina. I rise merely to express my support also for Mr. HONDA's amendment. I think it is entirely appropriate to permit appropriated funds to be used for immigration integration, and that, indeed, has been our past practice.

I yield back the balance of my time. Ms. CHU. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. I stand in strong support of this amendment, which strikes language prohibiting direct appropriations funding for immigration integration grants.

Integrating immigrants into our society makes us a stronger Nation and a more united Nation. Having Federal policies in place to quickly integrate new citizens into our national fabric is and should remain an important priority for our government.

This should not be a solely Republican or Democratic priority. This is not a partisan issue. In fact, it has had strong support from leaders on both sides of the aisle. President George Bush created the Office of Citizenship during his Presidency because he recognized the importance of helping new citizens embrace their new home. The Office of Citizenship plays a key role in immigration integration by leading initiatives to promote citizenship awareness; providing grants to national and community-based organizations that prepare immigrants for citizenship; preparing educational materials for citizens and trying to expand integration and citizenship resources in communities.

And President Obama has picked up the torch from his predecessor, committing direct appropriations to an integration grant program that helps green card holders, who are all legal immigrants, get ready to become active participants in our democracy. These grants help legal residents navigate through the naturalization process, teach them about our Nation's history and government, and teach them English.

These programs benefit real people, immigrants who came to America for a better life. Immigrants like Phyllis, a 74-year-old grandmother who took a citizenship class in Maryland. Once a week for 8 weeks, she and her classmates, 20 of them, in fact, spent 2 hours learning the basics of American history and government and interview skills for a naturalization test. Phyllis moved to the U.S. from Sri Lanka to

take care of her three grandsons. Being a citizen, knowing our laws, and speaking English will help her ensure those young boys grow up to be strong Americans themselves.

Immigrants who integrate into U.S. society go on to become informed voters, active community members, innovators, entrepreneurs, and future job creators. Whether they come on family or employment visas, through the asylum or refugee program, or through other smaller legal immigration programs, legal permanent residents come to this country with the dream of becoming U.S. citizens and giving back to their adopted home.

In the last 2 fiscal years, Congress has directly appropriated \$11 million for integration grants. But this bill doesn't provide direct appropriations. Instead, it pulls the funds out of the examination fees account. And it goes a step further, expressly prohibiting direct funding for immigration integration grants.

But I think we should provide direct appropriations for these grants because immigration assimilation should be a national priority. Both sides agree that legal immigrants that want to become part of society and learn our laws and our language should be able to become citizens, and that's exactly what these funds do.

I urge all my colleagues to support this amendment to help our Nation and all its citizens, no matter where they were born, so that we can boost human potential and make this a stronger Nation.

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the 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; \$238,957,000, of which up to \$48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end

of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended by Public Law 111-83 (123 Stat. 2166), is further amended by striking “December 31, 2012” and inserting “December 31, 2014”: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, 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, \$35,456,000, to remain available until September 30, 2016: *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.), \$140,565,000: *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.), and the purchase or lease of not to exceed five vehicles, \$398,213,000, of which \$196,713,000, to remain available until September 30, 2014; and of which \$201,500,000, to remain available until September 30, 2016, solely for operation and construction of laboratory facilities.

DOMESTIC NUCLEAR DETECTION OFFICE MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$40,000,000: *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, \$245,194,000, to remain available until September 30, 2014.

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, \$52,000,000, to remain available until September 30, 2014: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act 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 such obligation: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of advanced spectroscopic portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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, 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 2012, 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, project, office, or activity; (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 the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, 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 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of

\$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent 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 five 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 appropriation, 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) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. 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 as a permanent working capital fund for fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

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 2012 from appropriations for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, 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 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task order requiring an obligation of funds in an amount greater than \$25,000,000 from multi-year Department of Homeland Security funds or a task order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated; or

(3) announce publicly the intention to make or award items under paragraphs (1) or (2), including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, then the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than five full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn.

(e) 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 under "State and Local Programs".

SEC. 508. 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 that cannot be accommodated in existing Center facilities.

SEC. 509. 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 otherwise 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. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2042 et seq.) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available 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. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

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.

□ 2110

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR (Ms. FOX). The Clerk will report the amendment.

The Clerk read as follows:

Strike section 514.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Madam Chairman, according to recent media reports, the Department of Homeland Security is the top civilian agency conducting insourcing, which is converting private contractor services to government employees.

My amendment would strike section 514 of this legislation which, as drafted, would prevent any funds in this bill from being used to conduct public-private competitions or to direct A-76 conversions for any program, project, or activity within the Department of Homeland Security.

The A-76 process has been in existence since 1966. The original intent was to require the government to use private-sector services when obtaining goods or services and assist with services from within the government. I believe that the A-76 produces quality competition that leads to great service and a more cost-efficient result for the taxpayer. The bottom line, Madam Chairman, is that the government does not need to perform all the goods and services that might be in the Yellow Pages; that is for the private sector to do.

A-76 cost competitions between the public and private sector brings the best value to the taxpayer. According to Americans for Tax Reform, the average cost of each new Federal employee for salary, benefits, and pensions totals \$4.27 million. Without competition, government-run monopolies of commercial activities duplicate and price out the private sector, resulting in inefficient expenditures of taxpayer money.

The Heritage Foundation has reported that subjecting Federal employee positions which are commercial in nature to a public-private cost comparison generates on average a 30 percent cost savings regardless of which sector wins the competition. Even a recent Office of Management and Budget study states that the act of public-private competition generates cost savings from 10 to 40 percent on average.

During this time of stretched budgets and bloated Federal spending, Congress should do all that it can do to find taxpayer savings that reduce the cost of services provided by the Federal Government. I urge all of my colleagues to support this commonsense, taxpayer-first amendment and to ensure cost-saving competition is available through the Department of Homeland Security.

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

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

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

Mr. PRICE of North Carolina. Madam Chairman, Mr. Sessions' amendment frankly has been known to us only a short period of time, and we are not certain that all Members who might have an interest in this have been alerted. I wonder if the gentleman would yield for a question or two on this.

Mr. SESSIONS, would you be willing to yield?

Mr. SESSIONS. I will yield to the gentleman.

Mr. PRICE of North Carolina. My recollection is that this amendment was placed in the bill some years ago when there was an active dispute about contracting out some services at CIS.

Could you tell us, what precipitates your trying to remove this language now? As I understand it, your amendment would not require the contracting out, but it would simply remove the prohibition. Is that right?

Mr. SESSIONS. That is correct. The gentleman is correct. Today it is prohibited that this may be allowed in favor of the government hiring services through a Federal Government employee. What drives me to once again come on the floor as I have done for 15 years is that I believe that there are inherently governmental functions that a government employee must perform. However, when there is something like changing oil for a fleet of trucks, mowing grass, coming in and cleaning a building, performing functions that can be done more efficiently—perhaps it's with computers, perhaps it's with data systems, perhaps it's professional services that can be done better, rather than flying employees in from the Federal Government, but when they can be more cost effective, then a process is gone through. This process is called the A-76 process, and it's where the local management would look at the functions up to and including loaded costs for what it takes

to perform the duties that might be done. And generally speaking, there is a 30 percent cheaper value or cost to the government when it's done by an outside contractor as opposed to a Federal Government employee.

Mr. PRICE of North Carolina. Reclaiming my time, I understand the operation of the A-76 process. And I also understand that there are times when contracting out makes sense and other times when it does not. But given the fact that the gentleman is not mandating any particular approach to any particular jobs but is simply removing the prohibition, leaving this essentially to the judgment of the Department, I will not object to this. I do wish that there had been a better opportunity for Members who had an interest in this, possibly had a stake in this, to be here and respond, but with the gentleman's explanation, I will not object.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

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

Mr. DICKS. Madam Chair, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

SEC. 515. Within 45 days after the end 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 for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated for or transferred to "Transportation Security Administration, Aviation Security", "Transportation Security Administration, Administration", and "Transportation Security Administration, Transportation Security Support" for fiscal years 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, 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 so recovered or deobligated.

SEC. 517. Any funds appropriated to "Coast Guard, Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2010" and inserting "2012".

SEC. 519. 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. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than five days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: *Provided*, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds provided in this Act or any previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, or successor position, for any event that is declared a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. et seq.).

SEC. 522. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of the Intelligence Re-

form and Terrorism Prevention Act (Public Law 108-458; 118 Stat. 3724) unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 523. None of the funds made available in this Act may be used to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 525. None of the funds made available in this or any other Act for fiscal year 2012 and hereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 526. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2011," and inserting "Until September 30, 2012,"; and

(2) in subsection (d)(1), by striking "September 30, 2011," and inserting "September 30, 2012,".

SEC. 527. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 528. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 529. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 530. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the

funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 531. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 532. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 533. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 534. (a) Notwithstanding any other provision of law during fiscal year 2012 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets that support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of any sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security “Science and Technology, Research, Development, Acquisition, and Operations” account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 535. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 536. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 6 U.S.C. 121 note) is further amended by striking “2011” and inserting “2012”.

SEC. 537. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions, including detaining, accepting custody of, or extending immigration benefits to, Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 538. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301.10-124 of title 41, Code of Federal Regulations.

SEC. 539. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 540. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 541. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled “Risk Management Guide for Information Technology Systems”;

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations”; and

(3) any supplemental standards established by the Assistant Secretary of Homeland Security (Transportation Security Administration) (referred to in this section as the “Assistant Secretary”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Assistant Secretary shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

(d) Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes a description of—

(1) the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) the status of any certifications required to be submitted by subsection (c).

SEC. 542. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 543. (a) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Assistant Secretary shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 544. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 545. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall each be amended by striking “September 30, 2011” and inserting “September 30, 2012”.

SEC. 546. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, \$8,500,000 is available to United States Citizenship and Immigration Services in fiscal year 2012 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Service for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 547. (a) The Secretary of Homeland Security may transfer to the Secretary of the Interior amounts available for environmental mitigation requirements for “U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology” for fiscal years 2009, 2010, 2011, and 2012, for use by the Secretary of the Interior under laws administered by such Secretary to mitigate adverse environmental impacts, resulting directly from construction, operation, and maintenance activities by the Department of Homeland Security related to border security.

(b) Uses of funds authorized by this section include minimal, necessary acquisition of land or interests in land that will, in the judgment of the Secretary of the Interior, mitigate or offset such adverse impacts.

(c) Any funds transferred under this section shall be used in accordance with a written agreement between the Secretaries.

(d) The Secretary of the Interior, in consultation with the Secretary of Homeland Security, shall submit to the Committees on Appropriations of the Senate and the House of Representatives, by not later than 15 days before any proposed transfer under this section, an expenditure plan that describes in detail the actions proposed to be taken with amounts transferred under this section.

(e) Concurrent with submittal of the expenditure plan, the Secretary of Homeland Security shall submit a certification that the actions outlined in the expenditure plan cannot be legally executed under the authorities of U.S. Customs and Border Protection or any other component of the Department of Homeland Security and are determined to be necessary for mitigation of construction, operation, and maintenance activities related to border security.

□ 2120

AMENDMENT OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 89, beginning at line 14, strike section 547.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Thank you.

My amendment would strike section 547, which would devote border security dollars to environmental mitigation along this country's southern border.

The Border Patrol has unlimited access to private property, but the Border Patrol cannot always patrol Federal land, even if it is a known corridor for illegal traffic, including trafficking of humans and trafficking of drugs.

Some permits, which are required to be issued by the Department of the Interior to the Department of Homeland Security for Border Patrol, take months to approve. Others are not granted at all. But when the Department of Homeland Security, our Border Patrol, is given access, Federal land managers force the Border Patrol to fork over money for environmental projects that may or may not have anything to do with the constitutional obligations of our Border Patrol.

Madam Chairman, these are American taxpayer dollars. And more than that, they're dollars for border security, which I again repeat is a constitutionally delineated function of the Federal Government. But under section 547, these tax dollars are paying for the unreasonable demands placed on the Border Patrol by Federal land managers—one Department of the government, the Department of the Interior, taking dollars from another, the Department of Homeland Security, for a function that is required in the Constitution by the Border Patrol.

I appreciate the chairman's staff taking time to try to work this out with

my office and with the Natural Resources Committee, the standing committee that is responsible for supervisory control of the Department of the Interior. I regret that we were not able to come to resolution of this issue before floor consideration.

So I'm moving to strike this provision with the hope that we can continue to work with Chairman SIMPSON, who is the subcommittee chairman of the Appropriations Committee on Interior and the Environment, and Chairman HASTINGS, who is the chairman of the Natural Resources Committee in the House, to come up with a better approach to solving this problem of Border Patrol access to Federal lands.

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

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

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

Mr. PRICE of North Carolina. Madam Chairman, the gentlewoman's amendment strikes language permitting the use of previously appropriated and specifically designated DHS funds for land acquisition along the southwest border for environmental mitigation.

□ 2130

I feel I need to take a moment just to provide a bit of context. Since 2006, our subcommittee, which I chaired from 2007 to 2010, has increased funding for border security by over \$2 billion annually. We invested well over a billion for fencing and other tactical infrastructure alone during this period.

Now, responding to concerns about possible environmental problems associated with such a massive construction undertaking, much of which has taken place on environmentally sensitive lands, Congress provided modest amounts to mitigate these potential environmental consequences: \$50 million in fiscal 2009 and \$40 million in fiscal 2010. Some of this mitigation effort involves acquiring land from willing sellers for buffer zones to protect fragile habitats, principally along the Rio Grande Valley in Texas.

Since the Department doesn't have the statutory authority to acquire land for the purpose of environmental mitigation, we came to an agreement among Democrats and Republicans last year in the context of negotiations over an omnibus 2011 bill to grant the limited authority to transfer these specific funds to the Department of Interior for land acquisition. Obviously, Interior has the statutory authority to acquire land for this purpose.

So let me, Madam Chairman, read the section of the chairman's report so everyone knows how noncontroversial this provision is that Mrs. LUMMIS seeks to strike. And I am quoting, "In order for the Department to execute interdepartmental agreements with the U.S. Department of the Interior to complete environmental mitigation activities, the committee includes a gen-

eral provision, section 547 in the bill, permitting the transfer of previously appropriated environmental mitigation funds under BSFIT to the U.S. Department of Interior to carry out this purpose. The authority is narrowly tailored and controlled to ensure that funds will only be transferred: in accordance with a written agreement between the Secretaries of Homeland Security and the Interior; where the Secretary of the Interior has submitted an expenditure plan 15 days in advance of the proposed transfer, detailing the actions proposed to be taken with amounts transferred; where the Secretary of Homeland Security has certified that the actions outlined in the expenditure plan cannot be legally executed under the authorities of CBP or any other component of the Department of Homeland Security and the actions are determined to be necessary for mitigation of construction, operation, and maintenance activities related to border security."

Madam Chairman, as a government we have many responsibilities and priorities. These include, of course, securing our borders, something I have worked on a lot in these past 4 years. It also includes protecting our natural and cultural resources. The sort of interagency agreement that Homeland Security and Interior have entered into for environmental mitigation is exactly what we should be encouraging, especially because this arrangement is explicit that Interior cannot take any action that CBP does not first agree to. Let me repeat: Interior cannot take any action that CBP does not approve.

I urge my colleagues to honor this agreement, a reasonable arrangement, and defeat this amendment.

I yield back the balance of my time.

Mr. DICKS. I rise in opposition to the amendment, and I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I want to commend the gentleman from North Carolina for his work during the years when he was chairman of this committee, and also this year on this bill and this provision. I have been down to the border and have seen these very large fences that we have created there which do have an adverse effect on some of the species in that area which in the past would go back and forth from Texas or Arizona into Mexico.

The Department of the Interior could have raised objections to this project and required detailed environmental assessments, and possibly could have brought actions under the Endangered Species Act. But because this was worked out between the Department of Homeland Security and the Department of the Interior, that was avoided so that we could go ahead and build the fences in a very timely way.

So I think that taking this amendment out is a mistake. It is not considerate of the environment, which we

should be trying to protect. And there are many problems down on the border because of these fences.

I urge that we defeat the Lummis amendment and go along with what the committee has artfully worked out. It's a good compromise, and should remain in the bill.

I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Chair, I move to strike the last word.

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

Mr. BISHOP of Utah. Madam Chair, most people are clearly not aware that national security on our borders is compromised on public lands by Federal land managers who have the authority to deny the Border Patrol access to those Federal lands. Most people are not aware that we put money into this budget thinking it is going for Homeland Security, only to see it mysteriously transferred over to another agency without Congress ever understanding or authorizing where that transfer is or what that transfer may be.

It is estimated that we have had direct transfers of at least \$9 million, although the numbers are not clear. If you add up what the Department of Homeland Security spends on their own part that is not a direct transfer, we may be in the neighborhood of \$50 million that is spent on this particular program. This money can be used for land acquisition.

If we really want land acquisition, we put this money in the Interior budget, where it belongs, so we know what it is, we know why it is there, and we can track for what it is used. This becomes simply a secret slush fund from Homeland Security to Interior, and Congress has no idea or clue on how this money we are putting into Homeland Security's budget is being used.

Let me give you a specific example. Border Patrol wanted to put surveillance towers on a strategic location on the Arizona border. Unfortunately, the land manager would not allow them in a particular area, so they had to be moved at least 4 miles away, creating specific blackout areas on that particular land situation. Security gaps. It was 4 miles of heavily trafficked area. Then, because there happened to be a bat in that area, of their own sources Homeland Security still had to monitor the amount of bats who may accidentally fly into those towers for 5 years after those towers were put in there, at the cost of hundreds of thousands of dollars to monitor and count bats. And if they came across a pronghorn antelope while they were doing it, Homeland Security had to back away, without turning its back on the pronghorn, at a speed no greater than 15 miles an hour until it was a certain distance away from that situation.

We have already been told of situations where mitigation funds have been spent on a species that has not existed in that area for the last decade. What

we are trying to do is spend our money wisely. We need to curtail this practice until at least Congress has the ability of completely understanding where this mitigation money is going and can approve it ahead of time.

Madam Chairman, most of the environmental degradation that is taking place on our southern border, especially in the State of Arizona, is not being done by the Border Patrol; it's being done by illegal immigrants the drug cartels, the human traffickers, potential terrorists who are coming in here with no design and no care about the ecology of the area, or endangered species, or anything else.

If we truly want to improve the ecology and improve our environmental quality on that border, you put every dime you can into Border Patrol, you let the Border Patrol have the access that they need to do their jobs, because stopping the illegal bad guys coming across is the only way, the only way we will ever have a true environmental solution on that particular border. So far we do not know how this money is spent. It is wrong. This is indeed the right approach to take on this particular problem.

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

Mr. BISHOP of Utah. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. The gentleman has raised the issue of accountability, so I would like to call his attention to section D on page 90, and ask him for his assessment of this. We worked this out carefully, as I said earlier, worked it out with the chairman in a cooperative way. And it addresses directly the question of accountability. The Secretary of the Interior, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Appropriations of the Senate and the House of Representatives not later than 15 days before any proposed transfer under this section, an expenditure plan that describes in detail the actions proposed to be taken with the amounts transferred.

□ 2140

Does that not meet the gentleman's standards of accountability?

Mr. BISHOP of Utah. It sounds nice on paper, but it doesn't work in reality. You do not know where that money is being spent. The mitigation money is not going to the area where the mitigation needs to be done.

Once again, I will tell you, if you care about that environment and you want to solve the mitigation effort, put the money into the Border Patrol, not into this slush fund to move money from Homeland Security into Interior for the acquisition of land and property.

It is unrealistic.

Mr. DICKS. Will the gentleman yield?

The Acting CHAIR. The time of the gentleman from Utah has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. BISHOP of Utah

was allowed to proceed for 1 additional minute.)

Mr. DICKS. Will the gentleman yield?

Mr. BISHOP of Utah. No.

Mr. DICKS. I got you an additional minute.

Mr. BISHOP of Utah. Okay. You got 30 seconds. Go for it.

Mr. DICKS. Here is what I think we should do. Why not do both: Stop all the illegal immigrants coming across, which would make a big improvement in the environment of the area, but also do the mitigation to protect the species in that part of the country.

We can do them both. We don't have to be limited to one or the other. The gentleman raises a false choice.

Mr. BISHOP of Utah. Reclaiming my time, I will try to do this as quickly as I can.

That should be the role of the Interior appropriations, because there is no oversight that takes place here. We have already been berated on how little we are spending on Homeland Security.

Spend Homeland Security money on Homeland Security. Do not create a slush fund that we have created in the past so money goes to Interior. If you want to do it, go to Interior, where the money should be spent in the first place, and do it the right way.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I want to thank the gentlewoman from Wyoming for working with us on this issue, and I appreciate the concerns that she has raised and also that the gentleman from Utah has raised.

The committee has attempted to address both the requests of the Department of Homeland Security and the interests of Members on both sides of the aisle in drafting section 547. It was narrowly tailored to address only the most necessary environmental mitigation activities directly related to border security construction, operations, and maintenance.

It included strict controls on the transfer of funds from the Department of Homeland Security to the Department of the Interior, only where the Secretary of Homeland Security certifies that the transfer is absolutely necessary for border security and that the Department of Homeland Security does not have the authority to carry out the necessary activities.

Further, the Secretary of the Interior must provide a detailed spend plan with advance notification, allowing the committee to reject the plan.

The committee's interest was border security. Unfortunately, we were not able to balance the various viewpoints and the concerns to find the compromise in this process. For that reason, I support the Lummis amendment.

I yield back the balance of my time.

Mr. POE of Texas. I move to strike the last word.

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

Mr. POE of Texas. Madam Chair, Federal public lands have become the chosen path for drug smugglers and illegals entering our United States of America. The Government Accountability Office has confirmed that certain environmental laws, such as the Wilderness Act and Endangered Species Act, limit the Border Patrol's access and expose great areas of the border to significant environmental damage due to the illegal traffic coming into the United States.

In certain areas, Border Patrol agents are limited to patrolling on foot or on horseback even if the drug runners have ATVs, 4x4 trucks, or even Humvees.

A recent GAO report revealed that the Department of the Interior is taking months to approve simple permits that are necessary for the Border Patrol to do its job to protect the border. The GAO report also revealed that some permits are never granted at all.

When permits are given to the Border Patrol for such things as placing monitor equipment, the Department of the Interior negotiates mitigation packages with the Border Patrol. But these mitigation packages are forcing the Border Patrol to fork over money for environmental activities. The obvious is being missed by the Department of the Interior that the illegal activity itself destroys the environment they are trying to preserve.

I recommend adoption of the Lummis amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

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

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wyoming will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 548. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$20,997,225 from "U.S. Immigration and Customs Enforcement, Salaries and Expenses"; and

(2) \$594,945 from "Violent Crime Reduction Programs".

SEC. 549. Of the following unobligated balances available for "Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction", \$11,300,000 is rescinded.

AMENDMENT OFFERED BY MR. RICHMOND

Mr. RICHMOND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 91, after line 10, insert the following:
SEC. ____ (a) In this section, the term "covered assistance" means assistance provided—

(1) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(2) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on December 31, 2010.

(b) The Administrator of the Federal Emergency Management Agency—

(1) subject to paragraph (2), shall waive a debt owed to the United States relating to covered assistance provided to an individual or household if—

(A) the covered assistance was distributed based on an error by the Federal Emergency Management Agency; and

(B) there was no fault on behalf of the debtor; or

(C) the collection of the debt will create a demonstrable financial burden on the debtor; and

(2) shall not waive a debt under paragraph (1) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

Mr. RICHMOND (during the reading). I ask unanimous consent that we suspend the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ADERHOLT. Madam Chair, I respectfully reserve a point of order on this amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Madam Chair, what this amendment would do is, under the provisions of the Stafford Act, the Disaster Relief and Emergency Assistance Act, there are approximately 160,000 American citizens across this country who, in the aftermath of Hurricanes Katrina, Rita, Ike, and Gustav, received disaster benefits through an error by our Federal Emergency Management Agency.

What the government is attempting to do now, almost 5½, 6 years later, is to go back and recoup those funds which were not gained by any American citizen through fraud or theft or deceit. It was a valid application on their part on which our FEMA agency made a mistake.

Madam Chair, just in these economic times we ought not, as government, go back and penalize citizens 6 years after government made an error that gave them disaster relief funds in the aftermath of the worst natural disaster that we faced in this country's history.

□ 2150

So what this amendment does is it simply says that the government should not do it and that we will not go back and try to recoup from the 160,000 American citizens that are spread out

through Texas, through Louisiana, through Alabama and through Mississippi those funds. That is simply all it does, and I would ask that we support it.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Madam Chairman, I insist upon my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. 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. The rule states, in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law gives affirmative action in effect.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

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

The Clerk will read.

The Clerk read as follows:

TITLE VI

EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 601. Effective on the date of the enactment of this Act, of the unobligated balances remaining available to the Department of Energy pursuant to section 129 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329), \$500,000,000 is rescinded and \$1,000,000,000 is hereby transferred to and merged with "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief": *Provided*, That the amount transferred by this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

TITLE VII

SPENDING REDUCTION ACCOUNT

SEC. 701. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

AMENDMENT NO. 1 OFFERED BY MR. CARTER

Mr. CARTER. Madam Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ____ None of the funds made available by this Act may be used for the Climate Change Adaptation Task Force of the Department of Homeland Security.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Madam Chairman, I rise today to offer an amendment

which would strip funds allowed to the Department of Homeland Security Climate Change Adaptation Task Force. The U.S. Government has no shortage of agencies dedicated to studying global climate change and its impact.

For fiscal year 2011, the Environmental Protection Agency, or EPA, has a budget of \$6.6 billion and identifies taking action on climate change as their number one goal in its fiscal year 2011 through 2015 strategic plan. The National Oceanic and Atmospheric Administration, NOAA, which among other things is charged with climate monitoring, has a budget of \$5.6 billion for fiscal year 2011.

So why is Secretary Napolitano—why, at a time when our Nation is running a public debt of over \$14 trillion, should the Department of Homeland Security be spending money on a Climate Change Adaptation Task Force?

Millions of pounds of illegal drugs are trafficked across our border each year. On May 9, 12 suspected members of the infamous Zeta drug cartel and one Mexican marine were killed in a shootout on Falcon Lake along the Texas-Mexico border, the same lake where a U.S. citizen was shot and killed by pirates while boating last September.

An untold number of men, women, and children are trafficked across our border for both sexual and labor exploitation, which is equivalent to modern-day slavery. Additional intelligence recovered from Osama bin Laden's compound in Abbottabad, Pakistan, revealed that al Qaeda was considering launching attacks on U.S. trains and subway stations.

Last October, two packages containing explosives were shipped from Yemen addressed to Chicago-area synagogues, and they were discovered on an air cargo plane. A vast network of computers and operating systems which our government and economy relies on to operate every day is under threat from cyberattacks originating from countries such as Russia and China.

These are the priorities that the Secretary should be focusing on, not wasting time duplicating the work of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

The Secretary's Climate Change Adaptation Task Force is a waste of time and resources. And those resources should be devoted to securing our borders and ensuring the safety of our homeland.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chair, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Madam Chairman, I was intrigued with this amendment. I didn't quite understand the import of it. So I have done a little research, talked to the Department of Homeland Security about the extent of

their activities with this task force and what the affect of this amendment might be. So I would like to offer a little reality check here and suggest that this amendment is not merited.

This amendment, for starters, will not save any money. It simply prohibits the Department of Homeland Security and its employees from, in any way, planning for the effects of climate change.

Now the debate isn't about whether or not one believes that climate change is being caused by human beings. The fact is that whatever the cause, climate change is occurring in certain parts of the world. Both the U.S. Coast Guard and the Navy have testified before congressional committees that their operations are greatly affected, particularly in the Arctic region.

The Department of Homeland Security has identified other specific climate change-related impacts on DHS missions. These include, as you might expect, disaster response activities and the protection of critical infrastructure.

Now given the historic flooding that's occurred along the Mississippi as well as the worst tornado season we've experienced since 1950 with over 1,200 tornadoes and 500 deaths, it's understandable that DHS might just want the best available information on climate change.

Now I want to clarify any misinformation here. There are no DHS employees nor are any DHS funds dedicated full-time to climate change. One person at the department has spent a limited amount of time representing DHS at these task force meetings and activities—one person. So prohibiting funds going toward this effort is not going to save any money.

But there are several DHS components, including FEMA and the Coast Guard, that have been able to leverage cross-government expertise from the task force on both climate issues and on long-range planning generally. I would think that's exactly what they should do.

So what this amendment would do, rather than saving any money, it would simply prevent DHS persons from meeting or even talking to each other regarding the task force.

Now it's prudent and necessary for DHS to be able to work with its partner agencies to plan for the effects of climate change on their missions, and it's proper and important that our government agencies be able to talk to each other about the changes they are witnessing and the accommodations to their missions that might need to be made.

So, Madam Chairman, again, the Carter amendment will not save one dollar. Instead, it will prevent DHS from engaging in contingency planning with partner agencies across government. This is a debate, if it's about anything, it's about ensuring good government and intelligent planning and responsible coordination.

I urge my colleagues to vote against the amendment.

I yield back the balance of my time.

□ 2200

Mr. DICKS. I rise in opposition to the amendment, and move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I again want to compliment the ranking member for his lucid description of the Department of Homeland Security's work on climate change.

We have had a weather season that has been extraordinary. Whether this climate change that we're experiencing is caused by humans or if it's just happening, either way, the Department of Homeland Security should be engaged in the interagency efforts to find out what we can do to minimize and adapt to the climate change. This affects weather. We've seen the storms that have been mentioned. It also affects the northern latitudes where we are seeing the polar ice melting, so the Coast Guard is going to have more responsibility to go into those areas because other countries are trying to exploit this.

I would just say to the gentleman, if there is only one person working part time on this, I don't see a reason to prohibit it, and I would urge the gentleman to withdraw his amendment.

Mr. CARTER. Will the gentleman yield?

Mr. DICKS. Certainly, I yield to the gentleman from Texas.

Mr. CARTER. I may have misunderstood Mr. PRICE; but I believe he said there was one person who had gone to the meeting of the task force, which included FEMA and the Coast Guard.

Is that what you said?

Mr. PRICE of North Carolina. Yes, FEMA and the Coast Guard.

Mr. CARTER. Aren't FEMA and the Coast Guard part of the Department of Homeland Security?

Mr. PRICE of North Carolina. Yes.

Mr. CARTER. So there is more than one person for sure, and if it is so negligible and of no consequence—

Mr. DICKS. Then why bar it?

Mr. CARTER. I don't understand why you won't accept the amendment.

Mr. DICKS. Because it would bar the department from even discussing it with anybody. I think it is so shortsighted. This is a national security issue.

The Navy is now looking at the coastal areas. As the seas rise, it's going to affect Navy installations all over this country. I brought in the Park Service when I was chairman of the Interior. I brought in the Forest Service, the Fish and Wildlife Service. They all see the effects. We have a longer fire season.

This is something you can't ignore. This is a national issue that is significant, so to have a Department of Homeland Security that isn't going to

look at the consequences of climate change after what we've seen this year is just ridiculous on the face of it.

Mr. CARTER. Let me point out that I did not ask that the department not look into climate change. I asked that we take any funds that are allocated to the Department of Homeland Security's Climate Change Adaptation Task Force. If there is no such task force, there is none. I believe there is, but if there is none, then there is none. I'm not saying they can't talk about climate change.

In addition, I named two agencies that are spending close to \$15 billion in studying climate change. You, in addition, named the Navy, and you named other agencies that are looking into it. All of these agencies are spending tons of money. So why can't we get information from those people? Why do we have to go off and spend money, which we desperately need on our borders in order to protect ourselves from the real terrible violence that is slaughtering people on the Mexican border, on something for which you named five different groups that are studying it and for which I named two additional? Explain that to me.

Mr. DICKS. Why can't Homeland Security, with the Coast Guard and FEMA and all of these organizations, be part of the interagency effort? They're not wasting money on this. This is important research.

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

Mr. DICKS. Yes, I yield to the gentleman.

Mr. PRICE of North Carolina. Is it actually less efficient to shut off this kind of interagency discussion and to say that the representative from FEMA or the Coast Guard simply can't participate and that they have to reinvent the wheel? I simply don't understand the rationale, when interagency work is going on and when it has the potential to inform Homeland Security's work, why they shouldn't take advantage of that.

Mr. DICKS. Again, FEMA responds to weather disasters, so they have got to be involved in the task force that is looking at climate change. I just can't believe that the gentleman really wants to do this.

Mr. CARTER. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. CARTER. NOAA is the Weather Bureau. They're the weather folks who are studying this thing. They've got \$5.6 billion to study it. I'm not asking for the world. If you'll recall, the last time you all were in charge, you took a spy satellite or two, moved them out of Afghanistan, and put them over the roles in order to study the roles.

The Acting CHAIR. The time of the gentleman has expired.

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

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

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 9 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to provide assistance to a State or local government entity or official that is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. ADERHOLT. Madam Chair, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. Madam Chair, it has recently come to light that, according to the U.S. Citizenship and Immigration Services, the Department of Homeland Security granted deferred action to over 12,000 illegal aliens in FY 2010. "Deferred action" is a technical term which means that a person is subject to deportation but that our Federal Government, the administration, decides not to deport them at all, calling it "deferred action."

This number is a dramatic increase from previous years. It's much higher than the less than 900 number that was recently quoted by Secretary Napolitano in testimony during a Senate Judiciary hearing. These numbers also seem to drastically contradict statements made by the administration that deferred action would not be used to provide a backdoor amnesty to illegal immigrants.

In short, deferred action is an exercise of prosecutorial discretion, and that discretion is not to pursue removal from the United States of a particular individual for a specific period of time. It is only intended to be used on very special occasions; but now over 12,000 people a year are given this deferred action.

Our broken immigration system in this country continues to allow hundreds of thousands of illegal immigrants in each year. Increasingly, deferred action is being used as an easy way for the Federal Government to avoid enforcing the law for people who are arrested and caught in the United States illegally. Quite simply, it is illegal to be in this country without permission, and it is the responsibility of the Federal Government to enforce the immigration laws of this country at all times, not to pick and choose when to enforce certain laws, especially immigration laws.

This amendment states that no money from this bill can be used to grant deferred action or parole to an illegal in the United States for any other reason than a case-by-case basis for one of two reasons: one, urgent humanitarian reasons or, two, significant public benefit.

Bottom line, this amendment prevents the administration from going around Congress and the will of the American people by granting administrative amnesty called "deferred action."

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. ADERHOLT. Parliamentary inquiry, Madam Chair.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. ADERHOLT. We would like to clarify which amendment is currently being considered.

The Acting CHAIR. Amendment No. 9.

Mr. ADERHOLT. I ask unanimous consent that the Clerk read the amendment.

The Acting CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

□ 2210

POINT OF ORDER

Mr. ADERHOLT. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. 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. The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the gentleman's point of order?

Mr. POE of Texas. Madam Chair, I wish to be heard.

The Acting CHAIR. The gentleman from Texas is recognized on the point of order.

Mr. POE of Texas. Madam Chair, this is the amendment that I mentioned to the majority that I was going to introduce at this time, and it is in order because it is No. 9, which was stated to me by the Clerk as No. 9. So it is in order.

The Acting CHAIR. The Clerk has read amendment No. 9, and the Chair will rule on amendment No. 9.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT NO. 10 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chair, I have an amendment at the desk. The

title of the amendment is Sanctuary Cities amendment. I have it as No. 10.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. POE of Texas. I would like the amendment read.

The Acting CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. Madam Chair, over the past years, the number of aliens who unlawfully reside in the United States has grown significantly, from an estimated 3 million in 1986, to about 11 million in 2005; and some put those estimates today in 2010 at 20 million.

It is estimated that 400,000 illegal immigrants entered our country last year. Even modest estimates put the cost of illegal immigration to just the Federal Government at over \$29 billion each year. That is roughly the annual budget for the entire Department of Justice, and we cannot afford to have this continue.

Some jurisdictions have assisted Federal authorities in apprehending and detaining unauthorized aliens pursuant to agreements called the 287(g) agreements, with Federal immigration authorities enabling respective State or local law enforcement agencies to carry out various immigration enforcement functions, and I commend these jurisdictions.

However, there are some jurisdictions that continue to mandate that their employees not communicate with ICE when they come across someone that is in the country illegally. These jurisdictions are known as sanctuary cities and are located throughout the United States. This practice is against the law, and it is in violation of current law which is 8 U.S.C. 1373.

However, despite the law, many cities and localities still place these restrictions on law enforcement officers and other employees. 8 U.S.C. 1373 states: notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service, now called ICE, information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Once again, Madam Chair, this is current U.S. Federal law. This amendment is simple. It says that no funds from this act can be used to contradict current U.S. law, which I just read.

This amendment should pass unanimously because it already is against

the law for cities and other jurisdictions to prevent law enforcement officers and other employees from sharing information with ICE. All this amendment is doing is saying that no money from this act can go to support an already illegal activity. It is a common-sense amendment. I urge support of the amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Madam Chair, I appreciate the concerns of the gentleman from Texas. This amendment supports existing law, and we accept this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHMOND

Mr. RICHMOND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. Any appropriation for fiscal year 2011 for disaster assistance that includes an emergency designation pursuant to section 3(c) (1) of H. Res. 5 (112th Congress) shall not be required by any rule or policy to be accompanied by a budgetary offset.

Mr. RICHMOND (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ADERHOLT. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Madam Chair, to my colleagues on the other side of the aisle and on the same side of the aisle, I rise today to do two things. One is to thank the American people, thank Congress, and thank two Presidents for the assistance that they gave to the gulf coast after Hurricanes Katrina and Rita, and even after the BP oil spill.

But at the same time, I rise because just in the last 2 months, President Obama has issued 27 disaster and emergency declarations across 18 States. And the fact that this Congress and the last Congress was able to help the citizens of the gulf coast gave great comfort to Americans to know that this government would not let them fend for themselves when a natural disaster hits.

However, under the policies of this Congress, we have decided that any disaster assistance would require a payor. That would leave a large number of our American taxpaying citizens out to fend for themselves when they simply cannot do it.

So when we look at the tornadoes and we look at the flooding that has occurred in the last 2 months—and we are talking about States like Min-

nesota, Tennessee, Arkansas, Georgia, Missouri, Mississippi, Louisiana—I think it should be the policy of this body that we are going to be wherever our citizens need us.

If you look at the fund which FEMA uses to pay for disaster response recovery and mitigation projects, it is facing a \$1 billion shortfall this fiscal year. If you look at the entire hole, the hole is much bigger. You are talking at least a \$3 billion hole for the fiscal year 2012. That does not even include estimates of the incidents and the disasters that I talked about earlier, the mini-tornadoes and the massive flooding that we have incurred in the last 2 months. That is worrisome, but let's take it a step forward.

Let's assume, or even not assume, but there is a possibility that we would see another event similar to the flooding, similar to a hurricane. Hurricane season started June 1, and I think that it is absolutely irresponsible for us to tell the American people, it is disingenuous, it is wrong, it is sinful to say we are not going to help you if we don't cut the budget somewhere else. We have not done that in the past, and I don't think we should do it now.

The great thing for me today, I get to stand up here as a person whose district benefited tremendously from the fact that we have water diversions on the Mississippi. And in order to save Baton Rouge, Louisiana, and New Orleans, Louisiana, we opened those diversions which flooded small towns and small farmers, and that happened up and down the Mississippi River.

So I stand here today as a beneficiary of other people's flooding and other people's destruction that they suffered. And I stand here today as someone who has not suffered a lot saying that the government was there for me when Katrina and Rita hit, and the government should be there for the people of Mississippi, Minnesota, Georgia, Missouri, Texas, Louisiana, and everywhere that the tornadoes hit.

□ 2220

So this amendment simply does what I think is the fair thing to do, a consistent thing to do, and something that's deeply rooted in our American history, and that is to help people that can't help themselves.

And I would just simply ask both sides of the aisle to join together in unity and let the people of this country know that if a tornado knocks down your house through no fault of your own, we're going to be there to help you. No matter if other administrations have squandered and spent money that has left us in a deficit, we will still be there to help you.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. 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.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if it changes the application of existing law. The amendment changes the application of existing law.

I ask for a ruling from the Chair.

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

If not, the Chair is prepared to rule.

The Chair finds that this amendment changes the application of existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to to parole an alien into the United States, or grant deferred action of a final order of removal, for any reason other than on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

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

Mr. POE of Texas. Madam Chairman, what is taking place is under the guise of granting deferred action. Deferred action is a procedure, an administrative procedure by the administration that is used when a person is detained who is illegally in the United States and the action to deport that individual is deferred to some unknown date. The person is released, and what occurs is that person is never deported and never has a hearing.

This procedure started years ago with a few hundred people a year. But last year, in 2010, over 12,000 people had their immigration deportation hearings deferred to an unknown date, and what occurred was they were released and their action against them will never be taken. Some call this a form of amnesty, administrative amnesty. You can call it whatever you want, but those people stay in the United States.

What this amendment does is prohibit the administration from using, under the guise of deferred action, this procedure to not have hearings on individuals, which allows them to end up staying in the United States. And no funds can be used to implement the verdict action except in two cases: One is under humanitarian reasons, and the second would be some significant public benefit to the United States. Otherwise, no deferred action, no get-out-of-jail-free card for people on a discriminatory basis done by the administration or any of its agencies.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Madam Chairman, we accept the gentleman from Texas's amendment.

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

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

Mr. PRICE of North Carolina. Madam Chairman, I support this amendment because it restates the Department's broad discretionary authority to grant relief or deferred action to deserving individuals.

The authority of law enforcement agencies to exercise discretion in deciding what cases to investigate and prosecute under existing civil and criminal law, including immigration law, is fundamental to the American legal system. And since this amendment recognizes this essential executive authority, especially when it comes to relief for humanitarian purposes or when it serves the public's interest, I recommend that my colleagues support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

Mr. PRICE of North Carolina (during the reading). I ask unanimous consent that the reading be dispensed with, Madam Chairman.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Mr. PRICE of North Carolina. Madam Chairman, my amendment would waive certain requirements attached to the Fire Grants and the SAFER grants, and this amendment is necessitated by the amendment passed earlier this evening.

Members are aware that H.R. 2107 reduced funding for firefighter hiring grants, also known as SAFER grants, by \$255 million, or 63 percent below 2011. Fortunately, the House resoundingly overturned that ill-advised move earlier today and adopted an amendment by Mr. LATOURETTE and Mr. PASCRELL to restore the funding to the President's requested level.

But my colleagues should also be aware that funding is only part of the problem with this bill when it comes to the SAFER program. The underlying bill also neglects to maintain provisions enacted in fiscal years 2009 through 2011 that allowed fire departments to use these grants to hire laid-off firefighters and to prevent others from being laid off in the first place.

The law traditionally permits SAFER grants only to be used to hire new staff. Now, that provision makes sense when our economy is booming and local governments are in a position to hire new workers. But when the recovery is still fragile and local budgets are actually contracting and workers are being laid off, FEMA needs the flexibility to use these grants to keep firefighters from being cut in the first place. Secretary Napolitano and Administrator Fugate both testified to this need earlier this year during our appropriations hearings. So I am proposing a waiver amendment which would save thousands of firefighter jobs.

Right now the real challenge to community safety is not the reluctance of local governments to hire new fire personnel. It's the potential and actual layoffs of public safety personnel, which means fewer first responders, longer response times, and more lives being put at risk.

This amendment also contains a provision that waives certain budgetary requirements local fire departments have to fill in order to receive a grant. These include not allowing a fire department's overall budget to drop below a certain level, not reducing staff over a number of years even if budgets continue to suffer, and providing local matching funds. Again, these provisions are fine when local coffers are healthy, but we all know how strapped our cities and counties are right now. So in the current economic environment, very few municipalities would be able to meet these requirements, jobs would go unfilled, and firefighter and public safety would be placed at greater risk.

Finally, to address concerns that these waivers have gone on well beyond what was originally anticipated, the fire organizations tell me that 2012 will be likely the last year that they will need these waivers.

When colleagues are weighing this amendment, Madam Chairman, I encourage them to consider the intent of the SAFER program, ensuring we have a safe level of staffing of our Nation's preeminent first responders, the firefighters.

□ 2230

We have already overwhelmingly supported funding for the firefighter jobs by adding funding back to the SAFER program. So if Members really support these jobs, they need to take this additional step. We should vote to allow these funds to be used in the most flexible way possible, the best

way possible to keep firefighters on staff.

So I urge support of this amendment. I yield back the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, I rise in strong opposition to this amendment.

SAFER was originally authorized for the purpose of increasing the number of new firefighters in local communities—a hand up, not a handout. SAFER was not intended to rehire or retain firefighters, and certainly was not intended to serve as an operating subsidy for what is unquestionably a municipal responsibility.

The Federal Fire Prevention and Control Act contains very specific requirements that local communities have to meet in order to obtain funds; however, those requirements have been waived for the last 3 years. When initially proposed by the Democrats in 2009, Mr. PRICE, who was chairman of this subcommittee, acknowledged that these waivers were just a short-term, temporary effort that would expire at the end of FY10. Yet, here we are today debating the continuation in FY12 of a subsidy that our country cannot afford.

Under these costly waivers, there are no controls, there are no salary limits, and there are no local commitments. These proposed waivers totally undermine the original purpose and intent of the SAFER program by forcing the taxpayers to subsidize the everyday operating expenses of the local first responders.

Given our Nation's dire fiscal situation today, we must take a stand that it is not the Federal Government's job to bail out every municipal budget or serve as a fire marshal for every city and town across this country. Therefore, Madam Chair, I would strongly urge my colleagues to support fiscal discipline and to vote "no" on this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

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

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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 require an approved Transportation Worker Identification Credential (TWIC) applicant to personally appear at a designated enrollment center for the purpose of TWIC issuance, renewal, or activation.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Madam Chair, the amendment I bring forward right now in this bill is really directed at addressing a bureaucratic red tape inefficiency that is causing over 1 million American workers to make multiple trips to get a document that they are required to have, the Federal Government requires them to have. It's a transportation worker identification credential, and it's an important document to have. But it was created back in 2007, and it has a 5-year limitation and it has to be renewed. And a worker has to go into a registered TWIC office, and they have to go and get their fingerprint taken. They've got to get their picture taken and present credentials to get the card.

The problem with the implementation is that the Department has been requiring these workers to go back multiple times to get the card when, in fact, if you look at how a passport, for example, is issued, you can go in and you can fill out the paperwork and then they send you the passport. It works that way for most forms of identification, but for whatever reason, in this TWIC program, the Department has been requiring multiple trips.

The reason that this is a big issue for all of these workers is there are 1.8 million Americans who are required to have a TWIC card in order to do their jobs. And so under these current rules, they have to go and make multiple trips. And in some cases, this isn't an office right down the street; this is an office over 100 miles away.

I have a letter from the Passenger Vessel Association in support of this amendment, and they point out frequently that the TWIC enrollment center is hundreds of miles away from a mariner's home, necessitating two round trips of many hours in duration. It is not uncommon for the mariner to be forced to stay overnight during each round trip. And, of course, the employee has to pay for these round trips, has to pay for the overnight, has to be away from their job, and for no valid reason. In fact, the Department hasn't even implemented rules to properly utilize these TWIC cards; yet they're still making the employees go and have these multiple trips.

If you imagine a State like Alaska where you might have to spend days to go get the card, and you have to first go spend days to go file for the card, then you have to go spend days to go get the card, this is unnecessary. It's an incredible burden on our workforce, and it's something that we can address by preventing the funds from being used for implementing this policy. It still gives them broad discretion to implement a successful TWIC program,

but again, just like passports or other forms of identification, our over 1.8 million American workers shouldn't be forced to jump through all of these bureaucratic red tape hoops that are actually costing them money that they should be able to spend on their families.

I ask for support of the amendment. I yield back the balance of my time. Mr. ADERHOLT. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I will yield to the gentleman and ask if he can confirm that this amendment still requires applicants to biometrically enroll in person.

Mr. SCALISE. Yes. They would still have to go to the center and have to apply. In fact, in the language of the amendment, it refers to an approved transportation worker identification credential. So they would have to actually go and be approved. Because even if they went and let's say they were rejected, then they wouldn't be able to get the card. But if they went to the center and got approved, then they shouldn't have to go back again to get the card.

So it does require that they would have to still go in person, take the photo ID, and implement the biometric data, but it just makes sure that they don't have to go through these continuous bureaucratic hurdles to go and get the card.

Mr. ADERHOLT. Madam Chair, I thank the gentleman. And based on the requirement that the applicants biometrically enroll, we will accept the amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHERMAN

Mr. SHERMAN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et. seq.).

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

Mr. SHERMAN. I had the Clerk read the whole amendment because it's just one sentence, and it's very simple. It says none of the money in this act can be used deliberately by the President to violate the law—in particular, the war powers resolution often referred to as the War Powers Act, which is found in title 50 of the United States Code.

Why is this amendment necessary? Because so many administrations have embraced the idea of an imperial Presidency, have embraced the idea that a

United States President can send our forces into battle for an unlimited duration, unlimited in scope, and for whatever purposes the executive branch finds worthy.

The War Powers Act is the law of this land, and it says that a President may indeed commit our forces but must seek congressional authorization and must withdraw in 60 days if that authorization is not provided by the vote of both Houses of Congress.

□ 2240

But this President, like some others, believes that he doesn't have to follow the law. And in fact in this case in Libya, we and our allies were not attacked but rather a very important purpose—or thought to be important by the President—presented itself and so he committed our forces.

Now, the respect that the executive branch has for Congress has called upon them to hide their contempt for the law. And so they've implied without really stating it that there are substitutes for a congressional authorization. They've implied that resolutions by the United Nations, the Arab League, or NATO is a substitute for congressional action. And they've implied that consulting with congressional leaders, a lunch with leadership, is a substitute for an affirmative vote on the floors of both Houses.

It is time for us to stand up and say, No, Mr. President, you actually have to follow the law.

Now, why am I amending this bill? Obviously, this amendment is even more apropos to the Defense appropriations bill, but we'll be dealing with that many weeks from now. And the President has been in violation of the War Powers Act for several weeks now. And so we should try to act now.

But in addition, this amendment ought to be put on every appropriations bill that we pass this year. Otherwise, we invite a President who sees this amendment only on the Defense appropriations bill to try to find creative ways to transfer money from the Coast Guard account to the Navy or transfer a ship from the Navy to the Coast Guard to the Navy, one way or the other. We should not invite an unproductive loophole hunt. We should have the same restriction on every appropriations bill.

Now, if we can pass this amendment by a significant vote, the President will, I hope, request an authorization for the action he wants to take in Libya. And he will have to accept an authorization that I hope will be limited in time and scope. Perhaps it will be limited to air forces and not ground forces. Perhaps it will require renewal every 6 months rather than being permanent. There may be conditions such as why are we funding this out of taxpayer money and not the \$33 billion of Qadhafi money that he was stupid enough to invest in the United States in ways that we could find out about and freeze.

And why has the transitional government in Benghazi refused to disassociate itself from the al Qaeda fighters and the Libyan Islamic fighting group fighters in their midst? Why will they not remove from their government those who support those who have American blood on their hands from Iraq and Afghanistan?

This is not just an issue of an aggrandizing President. It is also an issue of dereliction in Congress because, yes, we would like to avoid tough votes, particularly those that divide our constituents and even the constituents that we have from within our own party. But this is our constitutional duty. The War Powers Resolution is the law of the land. Whatever your views are on our activities in Libya, you ought to support this resolution.

I for one could support an authorization to use force that was carefully tailored and severely limited.

This amendment vote is not about democracy and the rule of law in Libya. We all long to see democracy and the rule of law in Libya. This vote is about democracy and the rule of law in the United States.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, I rise in opposition to the amendment. This amendment is not germane to the Department of Homeland Security appropriations bill. This amendment is better addressed within the National Defense Authorization Act or the Defense appropriations bill.

I yield back the balance of time.

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

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

Mr. PRICE of North Carolina. I want to join Chairman ADERHOLT in urging rejection of this nongermane amendment. Members of course would not want to vote against contravening the law in anything that we do, but we have to acknowledge that this amendment is not germane to this bill.

And the rhetoric that has attended the introduction of this amendment contains, just to put it mildly, insinuations and charges that this Member finds unacceptable.

This is not the place, however, Madam Chairman, to engage in a full debate of our Libyan operations or our foreign policy in general. So I will restrict myself to simply saying that I do think this amendment is inappropriate for this bill.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I'll be happy to yield.

Mr. DICKS. I rise in opposition to the Sherman amendment.

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

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

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

Mr. SHERMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. 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. GOSAR

Mr. GOSAR. Madam Chair, I have an amendment at the table.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ None of the funds made available by this Act may be used to comply with subchapter IV of chapter 31 of title 40, United States Code, popularly known as the Davis-Bacon Act.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. I rise in support of my amendment that would exempt all construction projects authorized under this act from the inflationary and unwise Davis-Bacon Act.

As Members of Congress, we are stewards of the public treasury. We have an obligation to spend taxpayer money wisely. The government does not earn money. The government does not generate wealth. The government takes money from those who work hard for a living. In order to justify that act, we have an obligation at a minimum to spend this money wisely.

The Davis-Bacon Act adds unnecessary costs. Research shows that the Davis-Bacon Act imposes costs that average 22 percent above market wages. This is unacceptable. Every dollar wasted is a dollar we can't use on other projects.

In most cities, the Davis-Bacon Act imposes wages that bear no resemblance to prevailing market wages. In some cities, the rates are more than double the market wages.

I ask for everyone's support in stopping this wasteful use in taxpayer money.

I yield back the balance of my time.

Mr. PRICE of North Carolina. I rise in opposition to the amendment and move to strike the last word.

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

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to this amendment which will preclude the Department of Homeland Security or any entity that receives funding from the Department of Homeland Security, such as State and local governments, from insisting on fair labor standards for construction contracts, also known as the Davis-Bacon Act standards.

Davis-Bacon is a pretty simple concept and a fair one. It requires that

workers on federally funded construction projects be paid no less than the wages paid in the community for similar work. According to the Economic Policy Institute, the differences in labor costs that this makes are insignificant. Average labor costs, including benefits and payroll taxes, are roughly one-quarter of construction costs. Thus, if there's an increase in overall contract costs due to higher wages, it likely would be modest to the point in many cases of being virtually undetectable.

And in fact, Davis-Bacon, in ensuring that fair wages attract skilled workers, this might actually mean that the work is completed at a higher quality and in less time.

This amendment flouts the basic concept of wage fairness. At the exact time we're trying to get people back to work across the country, is this House going to vote to drive down the wages of workers who do business with the government on the theory that it might cost a little less money on construction projects?

□ 2250

Are we going to strong-arm the States and say they can't uphold the labor standards they've adopted in their own right?

I strongly recommend a "no" vote. The House has spoken repeatedly on this issue this year. We've taken two votes on this, during H.R. 1 and during the FAA reauthorization, and both times amendments to strike Davis-Bacon standards failed. We don't need to revisit this again here tonight.

I yield to the gentleman from Washington.

Mr. DICKS. I rise in strong support of the gentleman's position and against this amendment. By the way, Davis and Bacon were two Republicans. So they knew what they were doing.

Mr. PRICE of North Carolina. I thank the ranking member. I yield back the balance of my time.

Mr. KING of Iowa. Madam Chair, I move to strike the last word.

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

Mr. KING of Iowa. Madam Chair, I rise in support of the Gosar amendment, the amendment that eliminates a requirement for Davis-Bacon within the funds of this appropriations bill. I don't know another Member of Congress that has lived under Davis-Bacon. I have. I have lived underneath it for more than 30 years. I have received Davis-Bacon wages when I was working for other contractors, and I paid a lot of Davis-Bacon wages as an owner-operator of a construction company that I operated for over 28 years.

I can tell you that the Federal Government interfering with a contractual relationship between an employer and an employee is the wrong thing to do. It does drive up the costs. The gentleman's opening remarks were spot on. My own construction records show that the costs go up between 8 and 35 per-

cent; hardly insignificant. And it scrambles the relationship between employers and employees, who are always jockeying for the highest paid Federally designated scale.

I have seen wages change, double, from just going across the road because the Federal Government has designated a different wage scale for one division rather than another. We know this is union scale. Nobody said that. This is government-imposed union scale. And I am not going to stand here to protect and defend those Republicans. They did it to protect the unions in New York. And we know that, because the labor from Alabama was going to New York in 1931 to construct a Federal building, and they wanted to lock the black construction workers that were coming from Alabama out of the trade unions in New York. That was the motive. And now today the motive is to protect union scale.

If we want to build 4 miles of road or 5, we go without Davis-Bacon and we build 5. If we stay with Davis-Bacon, we will build 4. If we want to build five schools, we can do so with merit shop. If we only want to build four, we stick with Davis-Bacon.

If you want to do, as many Democrats have said on this floor, and that is that any relationship between two consenting adults the Federal Government shouldn't be involved in, well, this is a relationship the Federal Government should not be involved in. For the Federal Government to tell me that I can't say to my own son I would like to climb in the seat of your excavator and sit there for \$10 an hour—Federal Government says I can't. He has got to pay me some \$28 rate or whatever that is. The government has no business interfering and no business driving up these costs.

We must go through this period of austerity. That requires that we not impose Federal union scale on Federal construction projects. This amendment that blocks the requirement for that funding, it saves the taxpayers money. And by the way, we've done a lot of quality work over the decades that I have been in the business. And I would match the work of our merit shop employees up against any union workers out there, who do good work too. And I have worked with them, and I have worked alongside them on projects. But the quality of merit shop work cannot be challenged.

We do it according to the specifications and according to the plans, according to the architect, and according to the engineer. If we didn't meet those specifications, they would reject the work, and we would pay the penalty. My company doesn't pay penalties. We do quality work, and so do the people I associate and bid with. So I get a little worn down on that quality of workmanship. I am real proud of the merit shop work in the United States. And I think the free market should set the wages.

Labor is a commodity, just like corn, or beans, or oil, or gold, and the value of it needs to be determined by the competition, supply and demand in the workplace. I urge the adoption of the Gosar amendment. I will certainly support it. And I will be happy to carry this on all throughout this whole appropriation process.

Mr. DICKS. Will the gentleman yield? Can I get the address of merit-based construction?

Mr. KING of Iowa. I will be happy to yield to the gentleman, if the time allows.

Mr. DICKS. I just want to know if I could get the address, you didn't mention that, where it's located, your company.

Mr. KING of Iowa. It's in Kiron, Iowa. It's been there since 1975. And we are a second-generation company.

Mr. DICKS. Thank you.

Mr. KING of Iowa. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

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

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used for the construction, modification, maintenance, or repair of vehicle or pedestrian fencing along the southern border unless all of the iron, steel, and manufactured goods used in the construction, modification, maintenance, or repair are produced in the United States.

Mr. ADERHOLT. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. Madam Chair, I rise in support of American steel and maintaining security along our southern border. This amendment is actually very simple. I am offering it because it requires that any repairs, modifications, maintenance, or construction of new portions of the fence along our southern border be made with American steel, American iron, and American-manufactured steel goods.

Now, as I am sure my colleagues are aware, the Buy American Act, which was enacted in 1933, already requires

the government to purchase domestic goods for a direct Federal procurement. And for some particularly important areas critical to our national security, such as nearly all defense projects and spending, the requirements for our government to buy American goods are even stronger.

I believe that the steel used in the fence along our southern border should be included in that category. And that is simply what this amendment does. I can't imagine that there would be opposition in this Chamber to the use of American-made steel in the construction of our border fence along our southern border.

Many of my colleagues, I am sure, remember in 2007 when it came to our attention that we were in some cases using Chinese-made steel in construction of the Mexican border fence. We were all equally outraged by that. We were able to encourage, and finally, through hard work and bipartisanship, encourage successfully the Department of Homeland Security to use American-made steel. This amendment gives that the force of law, as I said, under the Buy American Act, which already applies to many American-made goods in the defense industry. So that's the purpose of this amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chair, I insist on my point of order.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman will state his point of order.

Mr. ADERHOLT. 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. The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law requires a new determination."

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? The Chair will rule.

The Chair finds that this amendment includes language requiring a new determination of where certain items are produced. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . None of the funds made available by this Act may be used to implement or enforce Executive Order 13502, the FAR Council supporting regulations FAR Rule 2009-005, or any agency memorandum, bulletin, or contracting policy that derives its authority from Executive Order 13502 or FAR Rule 2009-005.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIR. A point of order is reserved.

□ 2300

The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, I bring the amendment because what we are trying to do is prevent the Department from implementing or using taxpayer money to implement Executive Order No. 13502. And the effect of that executive order has been to mandate project labor agreements on projects that are worth \$25 million or more.

What we are talking about here is a requirement that is increasing the cost dramatically of projects similar to the debate we had a little earlier. If you look at—there have been a number of studies done. There was a 2009 Beacon Hill study that looked at the impact that if this type of policy was in effect in 2008, which fortunately it wasn't, but if this executive order was being implemented in 2008, all of the projects that were done that had a value of \$25 million or more, it would have increased the cost to the Federal taxpayer by between \$1.6 billion and \$2.6 billion. That's billions more that would be spent to carry out a project rather than having a just pure and open competition. We should be allowing free and open competition on projects and not artificially increasing the cost to taxpayers to carry out public projects.

If you look at The Wall Street Journal, they specifically address the executive order that we are trying to prevent funds from being spent to carry out. The Wall Street Journal actually criticized the executive order and called these handouts "a raw display of political favoritism at the expense of an industry experiencing 27 percent unemployment," and they also called this a rotten deal for taxpayers.

We should be trying to save every dollar we can. We should be trying to promote fair and open competition. That's why the Associated Builders and Contractors support this amendment. To go further on, there was an investigation done by the Washington Examiner regarding a project labor agreement on a Federal building here in Washington, DC. That one project, one project, because of the PLA requirement, the taxpayers ended up having to foot an additional \$3.3 million for that one project, the building here in Washington, DC. And I just want to go on a little bit further regarding the number of studies that have been done regarding PLAs. But they showed that it increases construction costs by 12 to 18 percent.

So ultimately what we are saying is, look, if a PLA wins the day, wins the bid, that's their prerogative; but you shouldn't be mandating these increased costs. You shouldn't be shutting out those open shop companies. And, by the way, the open shop companies represent about 87 percent of the U.S. construction workforce.

So why would we be shutting out 87 percent of the people out there who want to compete for these jobs, for these construction projects, and why should we be adding over a billion dollars to \$2 billion in increased costs to the American taxpayer? We can stop it, we can save that taxpayer money and do a much better job of stewarding for the American people and allow more people to go back to work in a fair and open way.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. Does the gentleman reserve his point of order or withdraw his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in strong opposition to the gentleman's amendment.

Executive Order 13502 gives Federal officials the option to determine if it is right for a particular construction project. There is no mandate. And if the gentleman has read the legislation, he will recognize there is no mandate.

Mr. SCALISE. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Louisiana.

Mr. SCALISE. The reason I used the term "mandate" is because the practical implementation of this, when you look at how the Department has implemented—

Mr. DICKS. Reclaiming my time, I think it's fairly clear that the gentleman knows that the executive order is only to promote efficiency in Federal procurement. A project labor agreement is a pre-hire agreement that establishes the terms and conditions of employment for a specific construction project.

There is, and the gentleman is part of this, a PLA mandate myth that has been floating around since the executive order was issued that the Federal Government mandates project labor agreements. Actual language from the executive order says, and I quote: "This order does not require an executive agency to use a project labor agreement on any construction project." I am sure the gentleman will be pleased to hear that.

Let me explain what the executive order does do. It asks the Federal agencies to submit a quarterly report identifying all contracts awarded for large-scale construction projects and whether or not a PLA was used on the project; allows all contractors and subcontractors to compete for contracts and subcontracts; contains guarantees against strikes, lockouts in similar job disruptions and provides binding procedures for solving labor disputes that may arise during the terms of the project labor agreement; provides mechanism for labor and management cooperation on matters of mutual interest and concern such as productivity, quality of work, safety and

health; and includes any additional requirements that an agency deems necessary.

Including this language would be a mistake since this executive order ensures construction projects are built correctly first time, on time and, as a result, on a budget for the end user.

In addition, this executive order prevents costly delays that usually result from an unskilled workforce's lack of knowledge regarding the use of building materials or tools, as well as job site safety measures.

I urge all Members to vote "no" on this amendment.

I will yield to the gentleman if he wants to make a comment as I mentioned him directly.

Mr. SCALISE. I appreciate the gentleman yielding because, as I said earlier, the language and, as you know, you are correct in reading the language of the executive order, the problem we have had is that the White House political appointees are requiring PLAs.

Mr. DICKS. Well, let me just say something to the gentleman. I had an example in my own State, a very significant project. I urged the project labor agreement, and they turned me down. This is not the kind of project that we do project labor agreements on it.

I was impressed that they made a decision, you know, and I didn't like the answer; but they said we have discretion to either do this or not do this, which is what I think we would want them to do because there are some situations where these agreements do add for stability between management and labor if you have things like, I think, the cleanup site down at Hanford in DOC HASTINGS' district has a project labor agreement. There was no strike so we could move forward and do this waste cleanup work that's so important.

So I just say to the gentleman, I will hope that in the future he will recognize that there is no legal requirement, and they are not requiring people to do it and agencies are saying "no" when they think it's inappropriate.

I don't think the gentleman's amendment is necessary and I hope that it will be defeated.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Both gentlemen speaking here are right. This requirement, the executive order, does not mandate the use of PLAs. However, some agencies have taken it and interpreted it as such that it should mandate it.

Let me give you one example here. On October 15, 2010, just a few months ago, the Army Corps of Engineers issued PIL 211-1 to all Army Corps contracting offices providing implementing guidance for the use of PLAs on Army Corps construction contracts. The following are major PIL elements.

Here it is, requires the project delivery team, PDT, to consider the use of

the PLA on a project-by-project basis by conducting a PLA labor market survey during acquisition planning.

Mr. DICKS. Did I hear "consider"?

Mr. FLAKE. Yes. But then it goes further so there was a complaint because some people didn't want that in. The complaint came back and the Army Corps came back and said that they should receive additional consideration if they do use a PLA and that should be strictly forbidden.

And so there is—there is a problem here. We do have a problem here with the agencies interpreting this in a way that would require the use of the PLA or give added weight to the use of a PLA.

Now, when the gentleman says this amendment is not required because it's not prescriptive, the current law without the executive order is the same thing.

□ 2310

They can consider the use of a PLA. Nothing prohibits that now. So all the Executive order is doing is giving some agencies reason to maybe mandate the use of a PLA. And that's why we're trying to strike the Executive order. The scenario that the gentleman from Washington describes where nobody is requiring or mandating anything, that exists without the Executive order. So that's what we're trying to do here is remove that Executive order that gives added weight to PLAs.

Now, in Arizona, for example, 90-some percent of workers there are not union workers. They don't want a PLA. And if you have a project that gives added weight to PLAs, that disenfranchises a lot of people in Arizona, more than 90 percent of the population. So we just can't do that. We shouldn't do that. And so the gentleman's amendment should be accepted.

We did a similar one. It was accepted in the Appropriations Committee with regard to the MilCon budget, the MilCon appropriation bill. And so that will come to the floor with this amendment already in it.

I would suggest to the gentleman from Washington and others who oppose this that we're simply trying to get back to a time where PLAs can be considered but they aren't construed as being necessary or mandated by the agencies.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. DICKS. The Executive order requires all contractors and subcontractors to compete for contracts and subcontracts. And also, the quid pro quo here for the government is they get a guarantee against strikes, lockouts and similar job disruptions, and provides binding procedures for resolving labor disputes that may arise during the term of the PLA. So as long as there's no mandatory requirement, sometimes a project labor agreement is a positive thing.

Mr. FLAKE. It might be. And without the Executive order, they can consider that. Nothing prohibits that. But the problem is that the Executive order has led to a situation where some agencies interpret that as requiring a PLA, and that's what we're trying to get away from.

And so the amendment is a good one. I would urge its adoption, and I thank the gentleman for bringing it forward.

This will be consistent with another appropriation bill that is coming to the floor with this already in, already having been accepted by the Appropriations Committee.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used by the Department of Homeland Security to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

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

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from New York is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, last week, President Obama issued a Presidential Memorandum on Federal Fleet Performance, which would require all new light-duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas, or biofuel, by December 31 of 2015.

My amendment echoes the Presidential Memorandum on Federal Fleet Performance by prohibiting funds in the DHS appropriation bill from being used to lease or purchase new light-duty vehicles except in accordance with the President's May 24 memorandum.

Our transportation sector is by far the biggest reason we send \$600 billion per year to hostile nations, such as Venezuela and others, to pay for oil at ever-increasing costs. But America does not need to be dependent on foreign sources of oil for transportation fuel. Alternative technologies exist today that, when implemented broadly,

will allow any alternative fuel to be used in America's automotive fleet.

The Federal Government operates the largest fleet of light-duty vehicles in America. According to the GSA, there are 662,154 vehicles in the Federal fleet with 54,972 belonging to the Department of Homeland Security.

By supporting the diverse array of vehicle technologies in our Federal fleet, we'll encourage development of domestic energy resources, including biomass, natural gas, coal, agricultural waste, hydrogen, and renewable electricity.

Expanding the role these energy sources play in our transportation economy will help break the leverage over Americans held by foreign government-controlled oil companies, increasing our Nation's domestic security and protecting consumers from price spikes and shortages in the world oil markets. I have been pushing to use and have in America alternative fuels. Tomorrow I'm holding a press conference with Mr. SHIMKUS and Mr. BARTLETT. Three of us are supporting a bill, and this goes in line with that.

So I would urge my colleagues on both sides of the aisle to support and accept my amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

Mr. ADERHOLT. We accept the amendment.

The Acting CHAIR. Is there further discussion?

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

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

Mr. PRICE of North Carolina. We, too, would like to accept the amendment and commend the gentleman from New York for offering the amendment. He's bringing Federal practice into line with the Presidential memorandum of a few days ago, and this will promote the use of alternative fuel vehicles—hybrids, electrics, natural gas, and biofuels—by 2015. It will be a positive step to reduce our dependence on foreign oil, to develop alternative energy sources, and to make of the Federal Government and its fleet an example that the rest of the country can look to.

So we urge adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . Of the funds made available by this Act under the heading "Border Security

Fencing, Infrastructure, and Technology", \$50,000,000 shall be for carrying out section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

Mr. ADERHOLT. Mr. Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

Mr. PRICE of North Carolina. Mr. Chairman, we have not seen this amendment.

The Acting CHAIR. A copy will be distributed.

Mr. DICKS. I want to reserve a point of order, too.

The Acting CHAIR. The gentleman from Washington reserves a point of order.

The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, the amendment that I offer is an amendment that directs that, of the funds made available in the bill, there's a \$150 million category, roughly, well, one-third of it, or, specifically, \$50 million, shall be used to carry out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act, which is the governing statute that directs that a fence be built on our southern border.

We've watched as the Congress has directed that the Secure Fence Act be passed, that the fence be built, and we've watched the last two administrations be less than enthusiastic about its construction.

We heard President Obama standing within about, let's say, 220 yards of the Rio Grande River in El Paso a month or more ago saying that he believed that the fence was basically complete, to quote the President.

□ 2320

"Basically complete," by his definition, would mean this: Of the 700 miles directed by this Congress, that's 14.3 miles only of tertiary fencing. That's three fences, which, as far as I know, is the most effective way. We only have 36.3 miles of secondary, or double fencing, Mr. Chairman. Then if you want to really stretch this out and give them a lot of credit for building something, they have about 350 miles of primary fencing. That's less than half the minimum amount of secure fence, which takes, I believe, double fencing. The vehicle fence is 299 miles.

They haven't done what was directed by Congress. This amendment sets aside \$50 million, which is only going to build about 25 more miles of good fencing, but it sends the right message, and it keeps them from going off and spending all of it on the other categories that are made available within this bill. The bill is fine with the money that's there, but the definition is too broad, and it allows the administration to slide away. My amendment, Mr. Chairman, directs that the \$50 million be spent on the fence.

I think it's ironic that the President, himself, when standing down in El Paso that five or so weeks ago when he gave the speech, said that the fence is basically complete. He said some people are going to want a moat; some people are going to want a moat with alligators. He ridiculed the effectiveness of the fence. The irony, Mr. Chairman, is that 220 yards away was the Rio Grande River and the canal; and if you count the fences in El Paso where they've given us the effectiveness of the secure fence that is built there, there is a fence, the Rio Grande River, another fence, a patrol road full of Border Patrol, another fence, a fast-moving canal with a concrete bottom and sides, and another fence. So, if you're going to get into the United States in El Paso, you've got to get over four fences and swim two moats to get there; and the President was making fun of it 220 yards away. I think his staff served him poorly that day. They should have flown Air Force One over that.

We know that fences work, but they must be maintained—and yes, we need the technology on them. This directs that the resources be used, at least for the \$50 million of the money made available, to build an actual fence; and it references section 102, which is the governing section.

By the way, before we argue the parliamentary inquiry, I do have other language I will be happy to offer if we are unsuccessful in the parliamentary argument that is bound to ensue.

I urge the adoption of my amendment, and I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

"An appropriation . . . may not be in order as an amendment . . . for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

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

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I would point out that I reference specifically the "authorized by law" program, and that's section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. According to the leg counsel, section 102 governs everything related to the border fence. So I took care to draft this

amendment to directly address the objection that was raised by the gentleman from Alabama, whom I greatly respect. This reinforced fencing act, again, goes directly to section 102. It's an authorized section. It's governing. It's governing in the code, and that's from leg counsel.

So, Mr. Chairman, I would conclude my argument by saying this is drafted specifically to address the objection I've just heard, and I am hopeful that I will receive a positive result from the Chair.

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

The amendment proposes to earmark certain funds in the bill.

Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law.

The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either of such laws.

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

The Acting CHAIR. The gentleman from Washington reserves a point of order.

The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. This amendment is an amendment that, I think, everybody is going to understand. It just clarifies that none of the funds made available in this bill shall be used to carry out the provisions of what is commonly referred to as "ObamaCare." That's the two sections of Public Law that are referenced in the amendment that we heard the Clerk just read.

The argument will be made that this is unnecessary because the bill doesn't specifically go to appropriations to the Health Care Act that carries the President's name. I would argue that we don't know. There are 2,600-plus pages. No one understands it, and we're finding new regulations on a regular basis.

A couple of things that might be under the appropriations that we are discussing here: It's possible that DHS could be participating in exchanges for immigrant health care or perhaps they could be auditing companies and helping to enforce the compliance with ObamaCare. Those are a couple of things that come to mind for me.

I think this is very important. This Congress has a number of times voted

to repeal and to defund ObamaCare. So, for us to inadvertently allow the appropriations that could be utilized to carry out the provisions of it, I think, would be an unforgivable omission on the part of this Congress. So I urge the adoption of this amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DICKS. Mr. Chairman, I make a point of order against the amendment because it violates clause 5(a)(2) of rule XXI. The amendment prohibits the use of funds for implementing the Patient Protection and Affordable Care Act. It is, thus, proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff in violation of the rule.

The Acting CHAIR. Does any Member wish to be heard on this point of order?

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, with regard to the rule referenced by the gentleman from Washington, we have many limitations on funds in our appropriations bills. If the decision comes down to whether there is a parliamentary objection or not, I think I could go back through many of these appropriations bills and find limitation after limitation after limitation. The practice of this Congress has been to do so, and there will be other amendments that have not been objected to that limit the utilization of funds within this bill and every other. I would simply make that argument to the Chair.

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

The gentleman from Washington makes a point of order against the amendment offered by the gentleman from Iowa on the ground that it carries a tax measure on a bill reported by a committee, in this case, the Committee on Appropriations, not having jurisdiction to report tax measures, in violation of clause 5(a) of rule XXI.

In clause 5(a) of rule XXI, the phrase "tax or tariff measure" expressly includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.

The amendment offered by the gentleman from Iowa is in the form of a limitation on the funds in the pending general appropriation bill. That is, it proposes a negative restriction on those funds for a specified purpose. The purpose specified in the amendment offered by the gentleman from Iowa is the execution of the laws comprising the Affordable Care Act.

The Chair takes notice that the Affordable Care Act involves sundry provisions of Federal tax law. The amendment therefore proposes to limit funds for the administration of a tax. As such, it constitutes a violation of clause 5(a) of rule XXI.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN COMMUNITY LABOR ORGANIZING CENTER, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Development Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois, Acorn Housing Corp. of Missouri, New Jersey ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research Project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troop, Clean Government Pac, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish

Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN, New York Communities for Change, Affordable Housing Centers of America, Action Now, Pennsylvania Communities Organizing for Change, Arkansas Community Organizations (ACO), The Alliance of Californians for Community Empowerment, New England United for Justice, Texas Organizing Project, Minnesota, Neighborhoods Organizing for Change, Organization United for Reform, Missourians Organizing for Reform and Empowerment, A Community Voice, Community Organizations International, Applied Research Center, or the Working Families Party.

□ 2330

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

Mr. PRICE of North Carolina. I object. We don't have a copy of the amendment.

The Acting CHAIR. Objection is heard.

POINT OF ORDER

Mr. DICKS. Point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from Washington may state his point of order.

Mr. DICKS. We cannot function if the majority is not going to give the minority a copy of these amendments. I would think the process here should stop until we have a copy of the amendment.

The Acting CHAIR. The Clerk is reading the amendment, after which it will be distributed.

The Clerk will continue to read.

The Clerk continued to read.

Mr. KING of Iowa (during the reading). I ask unanimous consent that the amendment be considered as having been read.

Mr. PRICE of North Carolina. I object, Mr. Chairman.

The Acting CHAIR. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this is the amendment that prohibits any of the funds made available in this act to go to these associations that are in the list of this amendment.

We would like to have been able to just simply define ACORN and their affiliates, but because the definition of "affiliates" created some problems, we had to go with the actual list of the affiliates that has been compiled in large part by the Government Oversight Committee and in another part by the contributions of the astute media that has done some research on this.

This is similar to the effect of the language that we passed in previous Congresses under the Democrat majority. We have seen what ACORN has done and attempted to do to undermine the legitimate election process in the

United States. The things that we saw with the video and the film that were going on inside the offices of ACORN, I believe, and there is under-oath testimony before this Congress of at least one ACORN, former ACORN employee, who testified that she believed that what we saw in the film that came forward on YouTube and was posted in other media outlets actually reflected the culture inside the ACORN offices and was reflective of their offices around the country. And we saw that in five or six offices around the country.

Therefore, this Congress, we must not forget that our Constitution's foundation is set upon legitimate elections; and to subsidize the people that are in the business of undermining it would be the wrong thing to do.

This amendment shuts off the funding to the organizations that have a record of doing so, ACORN and their affiliates. It's a list of over 300. And I would just say over 300 sprouts from one large oak tree grew. These are the associates, the successors, and the affiliates of the larger and now some-disbanded organization known as ACORN. So I urge the adoption of my amendment.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment, and I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, this is an extraordinary amendment, a listing of over 3 pages of organizations by name, singled out on the floor of the House of Representatives for this kind of negative treatment, this kind of legislation that would simply render them ineligible for any kind of activity under this legislation, under this appropriations bill.

Now, I seriously doubt that there is money in the Homeland Security bill that would go to any of these organizations; but still, the principle is very troubling.

So I want to ask the gentleman, the offerer of the amendment, just about a few of these organizations and ask him to document whatever information he has about this specific organization that would justify their being included on this kind of list, being singled out in this way. What does the gentleman have, what kind of information does the gentleman have on the Arkansas Community Housing Corporation?

Mr. KING of Iowa. Does the gentleman yield?

Mr. PRICE of North Carolina. Yes, I would be glad to yield.

Mr. KING of Iowa. I would tell you, as I said in my opening remarks, this list has been in large part compiled by the Government Oversight Committee.

Mr. PRICE of North Carolina. Does the gentleman have documentation as to what kind of problems he is alleging with the Arkansas Community Housing Corporation that would warrant their inclusion on a list of this sort?

Mr. KING of Iowa. I am confident that I can produce that information for you. I do not have it here.

Mr. PRICE of North Carolina. Don't you think you should produce it before you ask Members to vote on the amendment?

Mr. KING of Iowa. I referenced the Government Oversight Committee as the source for most of this list.

Mr. PRICE of North Carolina. Can you produce that information tonight before you ask us to vote on this amendment?

Mr. KING of Iowa. I'm sure that is going to come up a little sooner and I would be able to leave this floor and do that. So the answer to that is logistically no. But I can produce that information for you.

Mr. PRICE of North Carolina. What about the American Environmental Justice Project? Does the gentleman have information on that organization?

Mr. KING of Iowa. It would fit in the same category.

Mr. PRICE of North Carolina. Well, you're asking your colleagues here tonight, before the entire Nation, to stigmatize these organizations, to slay these organizations.

□ 2340

You have information, you're claiming, about these organizations that would warrant this kind of treatment, this kind of blackballing of these organizations with respect to any ability to compete legitimately for governmental funds. Don't you think you should have brought with you to the floor documentation of the problems with these organizations that would warrant this kind of treatment?

Let me ask you about the Agape Broadcast Foundation. What kind of information do you have about the Agape Foundation?

Mr. KING of Iowa. Will the gentleman will yield?

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

Mr. KING of Iowa. I won't be speaking directly to that foundation, but I will again reiterate the source of this information—

Mr. PRICE of North Carolina. But you are singling out that foundation. You are singling out that foundation.

Mr. KING of Iowa. If the gentleman yielded, I will say that I don't recall this objection when a large majority of this House under the Democrat majority voted to cut off the funds to ACORN and their affiliates. So that principle applies yet today, in my view.

Mr. PRICE of North Carolina. How about the Affiliated Media Foundation Movement? Does the gentleman have documentation of why that organization should be included here tonight?

Mr. KING of Iowa. If the gentleman will yield, I would submit that we could reiterate this same question over 300 times over this amendment, and I will tell you the source of this information is primarily the Government Oversight Committee. The minutes of that

committee and their record is there and it's available, and there will be resources that go below into the depth of the committee report. Some of this also comes from media reports. I want to make sure that—

Mr. PRICE of North Carolina. Reclaiming my time, I guess this would appear to be some kind of guilt by association, but I'm not sure it even rises to that level. Do we know about the associations of these organizations that would warrant their being tarred by this treatment here tonight?

Wouldn't the gentleman have the respect for his colleagues to bring to the floor the documentation that leads him to smear these organizations and include them on this extraordinary amendment? You're expecting us to vote on this.

What about the Affiliated Media Foundation Movement? Does the gentleman have information about that organization?

Mr. KING of Iowa. As I said to the gentleman, we could go through this over 300 times, and you could ask the same question over 300 times, and it's substantially the same answer. This primary component of this list came from the Government Oversight Committee. We can go get the records from the committee, and we could produce those, but I don't think this Congress is interested in holding up this process while I go contact the chairman and the staff to pull that information.

Mr. PRICE of North Carolina. Well, the gentleman has been planning to offer this amendment. Why didn't you have the basic respect for this body to gather this documentation, knowing that these questions would be raised by anyone who wants conscientiously to vote on this amendment?

Mr. KING of Iowa. If the gentleman will yield, doesn't the converse of that also apply, that there's an implication of disrespect for the Government Oversight Committee and the legitimacy of their findings?

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. I rise in opposition to the amendment, and I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I hope that the chairman will object to this amendment and ask the gentleman to withdraw it.

I think this is an extraordinary attack on all of these groups. We have no evidence. We have no information whatsoever to base a decision on here. I mean, you can say that—the Government Oversight didn't write you a letter and ask you to offer this amendment, did they? You have no official relationship with the Government Oversight Committee, do you?

Mr. KING of Iowa. I'm not on the committee, if that's the gentleman's question.

Mr. DICKS. Well, so who went and put this list together?

Mr. KING of Iowa. The Government Oversight Committee put the majority of this list together. I want to emphasize some also come from media reports. So I don't challenge the legitimacy of the Government Oversight conclusion, and I don't have reason to believe that the analysis of this is illegitimate.

Mr. DICKS. Reclaiming my time, did you check the media reports to see if they were accurate? We've all heard of media reports that are inaccurate.

I mean, you're casting aspersions on groups here from all over the country, and none of us here have any indication of the basis. And you're saying some of these came from media attacks. Did you check and verify that these media attacks were accurate?

Mr. KING of Iowa. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Let me just take your argument, then, down to the conclusion, which will be, if I respond to your question, you'll ask me another and another and another, and it will get down to have they been convicted in a court of law and are you sure that it was a legitimate case and is it under appeal and has it gone to the Supreme Court? We can never reach a conclusion on this. The gentleman knows that. So we have to make a judgment call and that's—

Mr. DICKS. Reclaiming my time, I remember a Senator from Wisconsin in the 1950s who did just about the same kind of thing and was rebuked by the other body for casting aspersions on innocent people. I'm just telling you, you are asking this House to vote on something and you haven't verified it. You don't know what these groups are all about. And it's a disgrace to even offer this amendment.

Mr. KING of Iowa. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman. Mr. KING of Iowa. I just ask, since the gentleman has raised the issue of the Senator from Wisconsin, if he could name any individual who was unjustly charged by the Senator from Wisconsin.

Mr. DICKS. I'm not going to get into that tonight. I will be glad to send you a list when you verify the media reports and can come up with a list and talk about these organizations in a meaningful way instead of just putting a list here together and expecting us to vote on this thing. It's ridiculous.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair reminds Members to address their remarks to the Chair.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I'm not going to prolong this, but I do want to plead with my colleagues.

This is something that this body simply, simply should not be a party to. Bringing in three pages-plus of organizations that many of us, most of us, have never heard of, have no knowledge of. They may be on somebody's list somewhere. We have no knowledge of the basis for inclusion on that list. There may have been media reports about them. Whatever there is that would back up this kind of list, at a minimum it should be provided to us tonight. Anyone offering an amendment of this sort ought to provide the basic documentation for the kind of stigmatizing, the kind of exclusion that is being proposed here of these organizations from any ability to compete for funding in this bill.

I hope it's obvious—I hope it's obvious to everybody here, no matter what their political persuasion, that this is simply unacceptable and must be rejected.

I yield back the balance of my time.

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

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. CRAVAACK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

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

□ 2350

Mr. CRAVAACK. Mr. Chairman, this amendment stipulates that none of the funds of this bill may be used in violation of section 236(c) of the Immigration and Nationality Act.

Practically speaking, my amendment would prohibit the United States Immigration and Custom Enforcement, ICE, from using taxpayer dollars to process the release, or to administer alternative forms of detention to illegal immigrants who committed a crime which mandates their incarceration under section 236(c) of the Immigration and Nationality Act.

Importantly, section 236(c) requires the U.S. Government to detain illegal aliens who have committed any one of the serious crimes detailed in section 236(c) until that illegal alien is deported to their home country. For example, section 236(c) would require ICE to detain an alien that committed

arson until that alien is deported. I think this is a very commonsense provision. In fact, in my opinion, criminal illegal aliens shouldn't be in the United States in the first place, but that is a debate for another day.

Make no mistake, I want to state that I think the vast majority of ICE employees are great Americans, and I personally appreciate the work that they do to ensure our Nation remains a nation founded under the rule of law. Nevertheless, ICE does not always operate in accordance with section 236(c). For example, ICE has allowed criminal illegal aliens who are waiting for a deportation hearing to leave Federal detention facilities and reenter the general public if the criminal illegal alien is fitted with a GPS tracking device or regularly checks in with their ICE supervisor. This is very troubling to me, Mr. Chairman.

In August, 2010, ICE's policy of releasing dangerous criminal aliens proved deadly. According to the Freedom of Information Act, which I have, illegal alien Carlos Montano was sentenced to over 1 year in jail for his second DWI and was released from ICE custody wearing only a GPS tracking device. This is in direct violation to section 236(c). Tragically, on August 1, Montano got drunk, got behind a wheel, and collided head on with a vehicle carrying three nuns. This head-on collision killed 66-year-old Sister Jeanette Mosier of Virginia.

To protect innocent citizens from criminal illegal aliens, I firmly believe we need to enforce immigration laws, especially section 236(c) that mandates the detention of dangerous criminal illegal aliens. Therefore, I urge my colleagues to support this amendment to prohibit taxpayer funds from being used in violation of section 236(c).

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we accept the gentleman's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT OFFERED BY MR. AMASH

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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 purchase new advanced imaging technology machines.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. AMASH. Mr. Chairman, I offer this amendment on behalf of the distinguished gentleman from Utah (Mr. CHAFFETZ). My constituents and I share the concerns of the distinguished gentleman from Utah and his constituents and millions of Americans regarding the use of advanced imaging technology machines, also known as full body scanners, at airports.

We are concerned not only about the efficacy and safety of such machines, but also about the serious violations of privacy and our rights as protected by the Fourth Amendment to the Constitution resulting from the government's use of such machines. It is in that spirit that I offer this amendment.

I ask my colleagues for your support.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment. The amendment is unnecessary. The bill includes no funding for new advanced imagery technology systems. This is because we could not afford 275 new AITs, as requested. We had to fill a \$590 million hole left by the budget request gimmick—unauthorized aviation fees. It is not because we oppose technology. In fact, AIT systems offer an alternative to pat downs at airport checkpoints where non-metallic threats are a great concern.

In addition, the deployment of new advanced target recognition capability will make the AIT systems less objectionable as they display avatar figures, not actual images of screened individuals. Because this amendment is unnecessary and needlessly limits discretion for security screening, I would urge the Members to reject this amendment.

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I wish to join the chairman of our subcommittee in opposing this amendment—not because there are any funds in this bill for these advanced imaging machines, this particular technology. There is no funding in this bill for this purpose, but on principle, this amendment is objectionable. It could be very damaging.

I won't dwell on the privacy safeguards. I think they've been debated in this body before, and we're well aware that privacy safeguards surrounding the use of this equipment are extensive—the face is blurred, there is no storage of the images, the operator of the machine is off the premises. And as the chairman just said, the technology is constantly being improved to protect privacy further.

But the point also needs to be made that an amendment like this, if it were

implemented—not just with respect to the current year funding, but with ongoing acquisition of these machines—this amendment would reduce our ability to find non-metallic explosives and weapons or bombs carried on a person's body. That's the fact of the matter.

These advanced imaging machines are better able to detect a wide variety of threats that metal detectors simply cannot pick up. So adopting this amendment would put our citizens at risk. It's a step backwards in our security provisions and it should be rejected.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. AMASH

Mr. AMASH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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 operate or maintain existing advanced imaging technology machines as mandatory or primary screening devices.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. AMASH. Mr. Chairman, I again offer this amendment on behalf of the distinguished gentleman from Utah (Mr. CHAFFETZ).

As I mentioned previously, millions of Americans have serious concerns regarding the use of advanced imaging technology machines, also known as full body scanners, at airports. In light of our serious concerns about efficacy, safety, and privacy, and the violation to our liberty, we ask that these machines not be funded for use as mandatory or primary screening devices. I ask my colleagues for your support.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment. As we stated earlier, the amendment is unnecessary. The bill includes no funding for new advanced imagery technology systems. This is because we could not afford 275 new AITs requested. We had to fill a \$590 million hole left by the budget request gimmick, which was the unauthorized aviation fees. It is not because we oppose technology. In fact, AIT systems

offer an alternative to pat-downs at airport checkpoints where non-metallic threats are a great concern.

In addition, the deployment of new advanced target recognition capability will make the AIT systems less objectionable as they display avatar figures and not actual images of screened individuals. Because this amendment is unnecessary and needlessly limits the discretion for security screening, I would urge my fellow Members to reject this amendment.

I yield back the balance of my time.

□ 0000

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

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

Mr. PRICE of North Carolina. Once again, I want to join the chairman in urging rejection of this amendment. The reasoning that I applied to the previous amendment applies with equal force to this amendment.

We're talking here about the need in our airports to employ the best and latest possible technology to save lives, and we're not doing this without knowledge of emerging threats. And the ability of different technologies to pick up more sophisticated threats, more difficult threats to detect, that's what these machines are all about.

It's most unwise, I think, most irresponsible on the floor of this House to make judgements about this that actually could compromise our security in very, very serious ways. I urge rejection of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

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

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. AMASH

Mr. AMASH. I have one final amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ None of the funds made available by this Act may be used for any action by a political appointee (as that term is defined in section 106 of title 49, United States Code) to delay, vacate, or reverse any decision by an employee in the Privacy Office of the Department of Homeland Security to make records available pursuant to section 552 of title 5, United States Code, popularly known as the Freedom of Information Act.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. AMASH. My amendment prohibits political meddling in the Depart-

ment's compliance with the Freedom of Information Act, commonly known as FOIA.

FOIA gives citizens the right to know what their government is doing. As President Obama stated shortly after taking office, "In our democracy, the Freedom of Information Act, which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open government."

Countless instances of waste, fraud, and abuse have been exposed by using FOIA. In September 2009, political appointees in DHS implemented an unprecedented policy to review FOIA requests and documents proposed to be released.

The current DHS political review process of FOIA is extraordinary. Chairman ISSA and Senator GRASSLEY wrote to 29 offices of inspectors general to request that they determine whether and to what extent political appointees have a role in responding to FOIA requests. According to the IGs surveyed, the level of involvement of DHS's political staff in the FOIA response process is uniquely high.

While it is the case that political staff at a very small number of agencies have prior notice of newsworthy releases, at no other agency do front office staff have the opportunity to withhold or otherwise delay such releases to avoid embarrassment or for political reasons.

FOIA is vital to our democracy. It is the most powerful single tool citizens and the press have to discover what our government is doing. And the law has a long track record of exposing corruption and inefficiency to improve government for all Americans.

My amendment protects FOIA from politicization at DHS. It prohibits DHS political appointees from improperly blocking the release of FOIA documents. My amendment allows DHS political appointees to continually be aware of FOIA requests in documents proposed to be released, but it prevents the political appointees from interfering with the public's right to know.

I ask for your support.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I think the gentleman from Michigan makes some very good points, and, therefore, we are prepared to accept this amendment.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise to oppose this amendment.

I want to deal just for a moment, though, with some of the accusations that have surrounded this proposal and

others like it. In fact, the House Oversight Committee conducted an investigation concerning allegations that Homeland Security improperly politicized the Freedom of Information Act process by allowing political appointees to review documents before they were released to the public.

The committee's lengthy investigation and a corresponding review by the inspector general found no evidence that the documents were edited, prior to release, for political reasons. According to the IG, "During our review, we learned that the Office of the Secretary was involved in examining several hundred FOIA requests prior to disclosure. This process was created so the Department would be aware of certain FOIA requests that it deemed to be significant. After reviewing information and interviewing FOIA experts, we determined that the significant request review process of DHS did not prohibit the eventual release of information."

Now, to be clear, both the IG and the committee found the process to be inefficient and cumbersome. But I understand from the committee that it has since been modified to address these concerns.

Now, on the amendment, I think it's a bad idea and perhaps counterproductive. It could lead to the exact opposite of the gentleman's intended result. Let me explain what I mean. In some cases, political review and decision-making will allow the Department to be more proactive in disclosing information to the public.

Under this amendment, the head of the agency or another political appointee could not override an arbitrary decision by a bureaucrat to withhold documents that should be released. That bureaucrat could be protecting himself and his colleagues or those documents should be released. There could be a perverse result, I think, if this amendment were adopted.

And at least under the reading of our oversight committee colleagues, the amendment might prevent the agency from faithfully carrying out its responsibility to comply with FOIA requests. That's because, technically, the agency head is in charge of ensuring the process is completed. If they're taken out of the mix, it really calls into question who's accountable and whether the FOIA process would operate as intended.

So we better be careful in treading on this ground. We could have exactly the opposite results from what is intended. And for that reason, I oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

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

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. ROKITA

Mr. ROKITA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ . Each amount made available by this Act (other than an amount required to be made available by a provision of law, amounts made available for U.S. Customs and Border Protection, and amounts made available for U.S. Immigration and Customs Enforcement) is hereby reduced by 10 percent.

□ 0010

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I want to thank the gentleman from Alabama and I want to thank the minority party. It is 12:10 by the clock of the House, and I know this is a long process. We have more to do tomorrow. I appreciate all parties allowing the House to work its will.

I rise to offer an amendment tonight on behalf of the Republican Study Committee and myself to reduce the overall funding levels contained in the Homeland Security bill by 10 percent, with the exception of funds for ensuring the security of our Nation's borders. This would save, Mr. Chairman, \$2.5 billion.

Our country is on the brink of a fiscal crisis. As the chairman of the Joint Chiefs of Staff has stated repeatedly, our debt is the greatest threat to our national security. Not citizens going through our airports, not what appears to be three wars now we have involved ourselves in; our debt is the greatest threat to our national security.

We need to ensure that our tax dollars are spent wisely and efficiently, especially when it comes to protecting our Nation. Unfortunately, the Department of Homeland Security is not an exception when it comes to examples of government waste. The Department of Homeland Security must focus its resources more effectively. In their short history they have become inherently wasteful, creating programs that do not make our Nation any more secure. And they're not unlike any bureaucracy that's come before it.

A recent audit by the Defense Contract Audit Agency found 32 contracts collectively worth \$34.3 billion that have been plagued by waste, abuse, or mismanagement from 2001 through 2006. If we pass this amendment and force an across the board cut, DHS will be forced to analyze its programs more effectively and become a more efficient agency as a result.

Mr. Chairman, I don't speak tonight out of mere opinion. I speak tonight out of experience. You see, I used to run a bureaucracy. I used to run a bureaucracy that ran on 1987 dollars, unadjusted for inflation. And we had

good results. In my former securities division alone, because of great people, we got 300 years of jail time awarded and over \$52 million of restitution.

The government can do more with less on all levels, and that includes the Department of Homeland Security. DHS funding needs to be reconfigured, focusing on protecting targets that are legitimate terrorist threats, rather than disbursing funds on a per capita basis. That's a wasteful, inefficient, and ineffective way to do things. Secondly, DHS must redefine its mission and focus on what its original purpose was: protecting the homeland from terrorist attacks.

As we approach its 10th anniversary, no longer does DHS focus solely on homeland security. They focus on mass casualty events, totally unrelated to terrorism, like natural disasters. Fire-fighter and cops funding, once funded locally on the State and local level, is funded through grants by the Federal Government. And while no Member of this body will contend they are not vital to our communities, these programs that Federal tax dollars are paying for are not Federal responsibility under our Constitution, and for a very good reason.

We need to start making tough decisions, Mr. Chairman. This amendment builds upon the work of the Appropriations Committee in reducing spending, but I believe it can go further.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I appreciate the intent of the gentleman from Indiana's amendment. I think it is very well intended. I think he makes some valid points in his argument. However, I am going to have to reluctantly oppose the amendment.

The bill that we have before us tonight strikes the right balance between funding priority programs that are essential to our Nation's security and keeping discretionary spending in check. The bill cuts nearly \$3 billion, or 7 percent, from the request. That does not take into account the internal cuts taken to address the \$650 million shortfall for aviation security and customs due to the phony fee offset used by the administration. It also does not reflect the significant increase provided to ensure robust funding for disaster relief.

The committee has cut underperforming and ill-managed programs. We've made difficult choices on priorities for the bill. Significant cuts in this bill include \$215 million from headquarters consolidation, then an additional \$69 million from the Department of Management Operations, an additional \$81 million from the Transportation Security Support, an additional \$629 million from Science and Technology Research Development, and more than \$2 billion from FEMA's

First Responder Grants. Deeper cuts will serve no other purpose than endangering critical security operations from our frontline agencies, such as the Coast Guard, the Secret Service, FEMA, and TSA, that conduct daily operations to make our land secure.

This past year we have seen intensified terrorist activity, including new threats to aviation, and several home-grown plots. As I have mentioned before, we have endured a near constant occurrence of natural disasters across this Nation, which require robust response capabilities and recovery investments. In light of all these challenges, the importance of the Department's work cannot be overemphasized. This is especially true as we approach the 10th anniversary of September 11. Because of these reasons, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, our chairman has expressed very well the reasons for opposing this amendment. It simply would weaken our security dangerously. And we are talking here not just about first responders and firefighters, we are also talking about frontline DHS personnel in a number of our agencies. I join him in urging rejection of this amendment.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. JORDAN. Let me thank the committee, particularly the subcommittee chair, for their hard work on this legislation and the number of bills that will come from the Appropriations Committee. We do appreciate that.

Look, the gentleman from Indiana is right. Let's just remember some of the numbers: \$14 trillion national debt; \$1.6 trillion deficit this year. That's following 2 previous years of running record annual deficits. A \$220 million deficit for the month of February we had earlier this year, a record monthly deficit. And over \$200 billion we pay in interest each year just to service that record debt built up by these record deficits. And most importantly, just remember 6 weeks ago Standard & Poor's said the future credit rating, the outlook for America's credit, is now negative for the first time in 70 years.

So something's got to give here, guys. We can't keep doing the same old, same old, and expect some different result. We are spending way more than we're taking in. Every family, every small business owner, everyone in America knows you can't do that. We've got to stop.

The Federal Government is doing the equivalent of a family making \$50,000 spending \$85,000 a year. Making \$50,000 a year, spending \$85,000. And we're not

just doing it one time because we're investing in something that's going to have a return. We are not just doing it one time for starting a business or putting a kid through school. We're doing it year after year after year, and somehow we think that's all going to work out. It's not going to work out. And the American people understand it. And they expect tough decisions. They expect the kind of thing that Mr. ROKITA is bringing forward in his amendment today. And that's why I rise to support this amendment.

What this would do is actually consistent with what the Republican Study Committee budget brought in front of this body earlier this year. We think it makes sense. And if you remember, that budget that we brought forward actually gets to balance within the budget window. The only budget brought forward that actually balances within the 10-year timeframe, something the American people expect of their Members of Congress. Something the American people expect Congress to do.

So I applaud the gentleman from Indiana for his amendment, and would urge a "yes" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ROKITA).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

□ 0020

AMENDMENT OFFERED BY MR. ROKITA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____ None of the funds made available by this Act may be used to implement the determination of the Administrator of the Transportation Security Administration regarding transportation security officers and collective bargaining as described in the decision memorandum dated February 4, 2011.

The Acting Chair. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I rise tonight to offer an amendment that would safeguard America's air travel by restricting funding in this bill for any collective bargaining by the Transportation Security Administration.

Recently, President Obama's administration announced a decision to allow the Transportation Security Administration, TSA, the unions, to enter into collective bargaining agreements. This would restrict our ability to meet ever-changing dangers and will add to Federal spending, which in our time of Federal deficits would be irresponsible.

Since the creation of TSA 10 years ago, its unions have been prohibited from collective bargaining and for good reason. This ban comes from former TSA Administrator Loy determining that collective bargaining agreements would hamper the critical nature of TSA agents' national security responsibilities.

TSA agents are no different than FBI, CIA and Secret Service agents. We do not negotiate collective bargaining agreements with security personnel, and TSA clearly falls, Mr. Chairman, within that category. We witnessed the necessary flexibility of the TSA.

In 2006 after a British airliner bombing plot was discovered, TSA was able to overhaul its policies within 12 hours. If unionization occurs, TSA will be less flexible and less efficient in doing their business to protect America.

Contracts and demands of collective bargaining are complex and they are cumbersome. They are less flexible than is needed in national security situations. The union demands will unquestionably make our transportation security more costly and less efficient, and certainly let's not ignore the fact that the recourse that citizens have when they are mistreated, illegally groped or otherwise not served will be reduced if it has not been made non-existent with a union.

I will work to ensure that collective bargaining does not impact the safety of any American travelers or needlessly subjects our rights or personal space to a union or its leaders.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. It is premature; there has not yet been a completed election for union representation at TSA. Moreover, it is unwise. The TSA administrator has made a modest and limited proposal to allow limited collective bargaining for transportation security officers. I think that is in the best interests of TSA, and it has been restricted to nonsecurity issues.

So it is a wise proposal and a modest one, and we should allow it to go forward.

I yield to our colleague, the gentleman from Mississippi (Mr. THOMPSON) who is the ranking member of the authorizing committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

I have been on the Committee on Homeland Security since its inception.

We have gone through hearing after hearing looking at this issue of collective bargaining for TSA employees. I might add that the rationale for offering this amendment has been completely refuted by every hearing we have ever had in the committee.

I am convinced that our men and women who work for TSA do a good job. However, the documentation is clear, they need additional training; they need a number of other items that collective bargaining can get them.

For instance, they have a different personnel system than other fellow employees. They have a different salary schedule than other employees. All those things lead to reduced morale for the employee.

More importantly, we have collective bargaining rights for Customs and Border Protection employees, the Federal Protective Service, and nowhere have we ever found where our good men and women in uniform cannot perform admirably in any situation.

The record is clear: where our union employees are federalized, they do a good job. So this notion that somehow collective bargaining is incorrect or improper should not go unopposed.

Apart from that, this is a heightened awareness situation. The men and women at TSA deserve the right to collective bargaining. For the record, Mr. Chairman, let me say that they are halfway there. They are 40,000 employees. They have already had an election; three unions sought representation. We are now down to the runoff for two.

Let the men and women do their job. Collective bargaining is not a bad thing for our men and women at TSA.

Lastly, let me say that Administrator Pistole has it right. His record with the FBI is impeccable. He looked at the situation, made a decision that had been kicked around for too many years at the Department.

Let's give the men and women at TSA the right to choose a collective bargaining unit if they so choose to decide on a collective bargaining unit.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ROKITA).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

Mr. ADERHOLT. 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. JORDAN of Ohio) having assumed the chair, Mr. BISHOP of Utah, Acting Chair 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. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. CANTOR) for May 31 and today on account of medical reasons.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 754. An act to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. ADERHOLT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes a.m.), under its previous order, the House adjourned until today, Thursday, June 2, 2011, at 10 a.m. for morning-hour debate.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

KATHLEEN C. HOCHUL, New York, Twenty-Sixth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1745. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2010-0938; FRL-8872-6] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1746. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-1009; FRL-8873-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1747. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-0755; FRL-8872-7] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1748. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2011 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

1749. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1750. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Rules of the Armed Services Board of Contract Appeals, received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1751. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Consumer Leasing [Regulation M; Docket No.: R-1400] (RIN: No. 7100-AD60) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1752. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No.: R-1399] (RIN: No. 7100-AD59) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1753. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the 2010 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications and Corrections to the EAR [Docket No.: 110106012-1013-01] (RIN: 0694-AF04) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1754. A letter from the Chief Counsel, Department of Homeland Security, transmit-

ting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1181] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1755. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1191] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1756. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of North Dakota since April 5, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

1757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Large Appliance Coatings [EPA-R03-OAR-2011-0142; FRL-9304-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of the Significant New Uses of 2-Propen-1-one, 1-(4-morpholinyl)— [EPA-HQ-OPPT-2009-0669; FRL-8871-5] (RIN: 2070-AB27) received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1759. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board — Consumer Products [EPA-R09-2010-0906; FRL-9278-9] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1760. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Modifications; Submission Period Suspension [EPA-HQ-OPPT-2009-0187; FRL-8874-2] (RIN: 2070-AJ43) received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Notification of the intention to exercise the authority under Section 552(c)(2) of the Foreign Assistance Act of 1961, to authorize the drawdown to support efforts to protect civilians and civilian-populated areas under threat of attack in Libya; to the Committee on Foreign Affairs.

1762. A communication from the President of the United States, transmitting a letter regarding the United States involvement in Libya; to the Committee on Foreign Affairs.

1763. A letter from the Secretary, Department of Labor, transmitting pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), the Department's annual report for FY 2010; to the Committee on Oversight and Government Reform.

1764. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Bycatch Reduction in the Gulf of Mexico Pelagic Longline Fishery [Docket No.: 101029546-1208-02] (RIN: 0648-BA39) received