

[Roll No. 324]

AYES—150

Ackerman	Green, Al	Nugent
Baldwin	Green, Gene	Olver
Bass (CA)	Grijalva	Pallone
Becerra	Hanabusa	Pascarell
Bilbray	Hastings (FL)	Pascari
Bishop (GA)	Higgins	Perlmutter
Bishop (NY)	Himes	Peters
Blumenauer	Hinchev	Pingree (ME)
Bonamici	Hinojosa	Polis
Boswell	Hirono	Price (NC)
Brady (PA)	Hochul	Quigley
Braley (IA)	Holden	Rahall
Brown (FL)	Holt	Rangel
Butterfield	Honda	Richmond
Capps	Hoyer	Roybal-Allard
Capuano	Israel	Ruppersberger
Carnahan	Jackson (IL)	Rush
Carney	Jackson Lee	Ryan (OH)
Carson (IN)	(TX)	Sanchez, Loretta
Clarke (MI)	Johnson (GA)	Sarbanes
Clarke (NY)	Johnson (IL)	Manzullo
Clay	Johnson, E. B.	Schakowsky
Cleaver	Jones	Schiff
Clyburn	Kaptur	Schrader
Cohen	Keating	Scott (VA)
Conyers	Kildee	Scott, David
Cooper	Kind	Serrano
Courtney	Kucinich	Sewell
Critz	Larson (CT)	Sherman
Crowley	Latham	Sires
Cuellar	Lee (CA)	Smith (WA)
Cummings	Levin	Speier
Davis (CA)	Lewis (GA)	Sutton
Davis (IL)	Loeb	Thompson (CA)
DeFazio	Lowey	Thompson (MS)
DeGette	Lynch	Tierney
DeLauro	Markey	Tonko
Deutch	Matheson	Towns
Dingell	Matsui	Tsongas
Doggett	McCarthy (NY)	Van Hollen
Doyle	McCollum	Velázquez
Duncan (TN)	McDermott	Walz (MN)
Edwards	McGovern	Wasserman
Ellison	McIntyre	Schultz
Engel	Michaud	Waters
Eshoo	Miller, George	Watt
Farr	Moore	Waxman
Frank (MA)	Moran	Welch
Fudge	Murphy (CT)	Wilson (FL)
Garamendi	Nadler	Woolsey
Gibson	Neal	Yarmuth

NOES—260

Adams	Carter	Garrett
Aderholt	Cassidy	Gerlach
Akin	Chabot	Gibbs
Alexander	Chaffetz	Gingrey (GA)
Altmire	Chandler	Gohmert
Amash	Cicilline	Gonzalez
Amodei	Coffman (CO)	Goodlatte
Andrews	Cole	Gosar
Austria	Conaway	Gowdy
Bachmann	Connolly (VA)	Granger
Bachus	Costa	Graves (GA)
Barletta	Costello	Graves (MO)
Barrow	Cravaack	Griffin (AR)
Bartlett	Crawford	Griffith (VA)
Barton (TX)	Crenshaw	Grimm
Bass (NH)	Culberson	Guinta
Benishek	Davis (KY)	Guthrie
Berg	Denham	Hall
Berkley	Dent	Harper
Biggart	DesJarlais	Harris
Bilirakis	Diaz-Balart	Hartzler
Bishop (UT)	Dicks	Hastings (WA)
Black	Dold	Hayworth
Blackburn	Donnelly (IN)	Heck
Bonner	Dreier	Heinrich
Bono Mack	Duffy	Hensarling
Boren	Duncan (SC)	Herger
Boustany	Ellmers	Herrera Beutler
Brady (TX)	Emerson	Huelskamp
Brooks	Farenthold	Huizenga (MI)
Broun (GA)	Fincher	Hultgren
Buchanan	Fitzpatrick	Hunter
Bucshon	Flake	Hurt
Buerkle	Fleischmann	Issa
Burgess	Fleming	Jenkins
Burton (IN)	Flores	Johnson (OH)
Calvert	Forbes	Johnson, Sam
Camp	Fortenberry	Jordan
Campbell	Fox	Kelly
Canseco	Franks (AZ)	King (IA)
Cantor	Frelinghuysen	King (NY)
Capito	Gallegly	Kingston
Cardoza	Gardner	Kinzinger (IL)

Kissell	Nunes	Schock
Kline	Nunnelee	Schwartz
Labrador	Olson	Schweikert
Lamborn	Owens	Scott (SC)
Lance	Palazzo	Scott, Austin
Landry	Pastor (AZ)	Sensenbrenner
Langevin	Paulsen	Sessions
Lankford	Pearce	Shimkus
Larsen (WA)	Pence	Shuster
LaTourette	Peterson	Simpson
Latta	Petri	Smith (NE)
Lipinski	Pitts	Smith (NJ)
LoBiondo	Poe (TX)	Smith (TX)
Loftgren, Zoe	Pompeo	Southerland
Long	Posey	Stark
Lucas	Price (GA)	Stearns
Luetkemeyer	Quayle	Stivers
Lujan	Reed	Stutzman
Lummis	Rehberg	Sullivan
Lungren, Daniel	Reichert	Terry
E.	Renacci	Thompson (PA)
Mack	Reyes	Thornberry
Maloney	Ribble	Tiberi
Manzullo	Rigell	Tipton
Marino	Rivera	Turner (NY)
McCarthy (CA)	Roby	Turner (OH)
McCaul	Roe (TN)	Upton
McClintock	Rogers (AL)	Visclosky
McCotter	Rogers (KY)	Walberg
McHenry	Rogers (MI)	Walden
McKinley	Rohrabacher	Walsh (IL)
McMorris	Rokita	Webster
Rodgers	Rooney	West
McNerney	Ros-Lehtinen	Westmoreland
Meehan	Roskam	Whitfield
Meeks	Ross (AR)	Wilson (SC)
Mica	Ross (FL)	Wittman
Miller (FL)	Royce	Wolf
Miller (MI)	Runyan	Womack
Miller (NC)	Ryan (WI)	Woodall
Mulvaney	Sánchez, Linda	Yoder
Murphy (PA)	T.	Young (AK)
Myrick	Scalise	Young (FL)
Neugebauer	Schilling	Young (IN)
Noem	Schmidt	

NOT VOTING—21

Baca	Gutierrez	Napolitano
Berman	Hahn	Paul
Castor (FL)	Hanna	Platts
Chu	Lewis (CA)	Richardson
Coble	Marchant	Rothman (NJ)
Fattah	McKeon	Shuler
Filner	Miller, Gary	Slaughter

□ 1405

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:

Mr. Finer. Madam Chair, on rollcall 324, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUGENT) having assumed the chair, Ms. ROS-LEHTINEN, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. BROUN of Georgia. Mr. Speaker, pursuant to rule XXII, clause 7(c), I

hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. Broun of Georgia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal-aid highway and transit programs to amounts that do not exceed \$37,500,000,000 for fiscal year 2013.

□ 1410

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5855, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5855.

The Chair appoints the gentlewoman from Florida (Ms. ROS-LEHTINEN) to preside over the Committee of the Whole.

□ 1411

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Ms. ROS-LEHTINEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Alabama (Mr. ADERHOLT) and the gentleman from North Carolina (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it was 68 years ago today that more than 9,000 Allied soldiers were killed and wounded during the D-day invasion in Normandy, France. That courageous operation, as well as the sacrifice of so many brave individuals, serves as a sobering reminder that freedom and security are not free. It is with this solemn commitment to both freedom and security that I respectfully present to the people's House the FY 2013 appropriations bill for the Department of Homeland Security.

Similar to our committee's work over the past 2 fiscal years, this bill demonstrates how we can sufficiently fund vital security programs while also at the same time reducing discretionary spending overall. This bill does not represent a false choice between fiscal responsibility and our Nation's security. Both are national security priorities and both are vigorously addressed in this bill by focusing upon four key priorities:

First, fiscal discipline. This bill reduces spending below the FY12-enacted level;

Second, oversight. This bill continues and strengthens the subcommittee's long bipartisan tradition of strict accountability;

Third, support for frontline operations. This bill sustains and it actually even increases operational programs, including border and maritime security, immigration enforcement, investigations, targeted aviation security activities, disaster relief, and also cybersecurity;

Fourth, preparedness and innovation. Despite the bill's overall reduction in spending, investments and preparedness grants and science and technology are substantially increased above FY12 levels.

In sum, I believe this to be a very strong bill that incorporates considerable input from nearly 200 Members, including members of the authorizing committees, and also along with the Appropriations Committee, which meets our Nation's pressing needs for both security and fiscal restraint.

I would like to go into a few details on fiscal discipline and spending that are included in this legislation.

The bill before us today provides \$39.1 billion in base discretionary funding, which is nearly a half billion dollars below the FY12-enacted level, and it is almost \$400 million below the President's own request. There are no earmarks in this bill or the accompanying report.

The bill cuts the Department's bureaucratic overhead and headquarters functions by nearly 18 percent below the request and 7 percent below last year's level. Also, the bill substantially reduces the administrative overhead of the Department of Homeland Security component agencies, including a \$61 million reduction to TSA's administrative functions and a reallocation of TSA's resources to increase privatized screening and canine enforcement teams. In fact, TSA is cut overall by some \$422 million below last year's level.

As I noted, this bill puts priority funding on frontline personnel, such as the Border Patrol, CBP officers, Coast Guard military personnel, and law enforcement agents. It supports the largest immigration detention capacity in the history of ICE, and it sustains high-risk aviation security. It fully funds the known requirement for disaster relief; supports long overdue initiatives in cybersecurity; and robustly

supports intelligence, watch-listing, threat-targeting systems, preparedness grants, and science and technology programs, including the National Bio and Agro-Defense Facility.

In addition, this bill reforms the way the Coast Guard acquires its costly operational assets and responsibly funds much-needed cutters and aviation assets, those essential tools that will keep our coastlines safe and secure our maritime approaches against the plague of illegal drugs.

This bill also provides funding where the administration utterly failed. This bill makes up for the \$115 million shortfall that was handed to us by the Department through phony, unauthorized fee collections, as well as the \$110 million shortfall resulting from OMB's failure to properly access CBP's fee collections. The administration may be able to rely on some of these fee gimmicks in the President's budget, but here in the House and in the subcommittee we do not have that luxury.

With respect to oversight, our subcommittee has a bipartisan tradition of insisting upon results for each and every taxpayer dollar that it appropriates. Therefore, the bill includes robust oversight by way of intensified spend plan requirements, reporting requirements, a full accounting of disaster relief costs, and operational requirements to include Border Patrol staffing levels and ICE's detention capacity.

However, I must note that the Department of Homeland Security did an unacceptably poor job at complying with the statutory requirements that were enacted in FY12. Those failures are assertively addressed in this bill and the report, and we address this through sizable cuts and withholdings to the Department.

Furthermore, this bill holds the administration's feet to the fire when it comes to enforcing our Nation's immigration laws. In response to the administration's repeated attempts to water down enforcement, this bill directs ICE to maintain 34,000 detention beds and continue funding 287(g) and worksite enforcement at the FY 2012 levels. It is the prerogative of Congress to set such priorities, and I stand by this direction in the bill.

Our subcommittee is serious about compelling the Department to not only enforce the law, but to comply with the law as well, and we cannot tolerate further failures in this regard.

Finally, on preparedness and innovation. The bill increases preparedness grants by nearly 17 percent and science and technology programs by nearly 24 percent above last year's levels. Committee members and our authorizing members have provided considerable input on these programs, and I'm committed to leveraging technology and well-justified investments to sustain our Nation's preparedness as well as spur innovation and foster an environment for job growth.

In closing my comments this afternoon, I would like to thank Ranking

Member DAVID PRICE. He has been a statesman and a real partner during this process as we have moved this bill forward over the last several months. I do want to thank him for his dedicated professionalism and also his dedicated staff that have acted in a tremendously professional manner, for their input and contributions that they have made to this bill.

Let me recognize and thank the members of the Appropriations Committee and also many of the members of the authorizing committee, for their input and their vital oversight work over the past few months as well, as we have moved forward in the producing of this bill.

□ 1420

I'd like to thank the dedicated staff for the Department of Homeland Security that I work with on a day-by-day basis as we move this bill forward: the clerk, Ben Nicholson; Jeff Ashford; Kris Mallard; Kathy Kraninger; Miles Taylor; Cornell Teague; and Joe Croce, as well as in my own office, in my personal office who worked on this bill, Brian Reil and Mark Dawson and, of course, on the minority side, Stephanie Gupta, who did a tremendous job in a professional manner on the minority side.

Finally, I do want to thank the distinguished chairman and the ranking member of the overall Appropriations Committee, Chairman HAL ROGERS and Ranking Member NORM DICKS. As much as we had to make difficult choices and tradeoffs at the subcommittee level, I know they had to make much more difficult choices across all 12 subcommittees.

So I sincerely believe, Mr. Chairman, that this bill reflects our best efforts to address our Nation's most urgent needs for security and also to address fiscal discipline. I would urge my colleagues in the House to support this measure.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the bill and yield myself such time as I may utilize.

Mr. Chairman, I'm pleased we're considering the fiscal year 2013 Department of Homeland Security appropriations bill in a timely fashion and under an open rule. Chairman ADERHOLT has been collaborative and collegial in the drafting of this bill, and I appreciate his willingness to include input from our side all along the way.

I'm generally supportive of the funding levels provided in the bill. The fact remains, however, that our subcommittee was forced to accept a reduced allocation for the Department of Homeland Security when Republicans unilaterally cast aside the spending agreement we reached last August, forcing the Appropriations Committee to absorb \$19 billion in reductions below the Budget Control Act levels.

Largely because the majority broke that agreement, DHS is funded at 1 percent below the requested level, continuing a downward funding trend for

this agency over the past few years. The bill does retain the disaster cap adjustment included in the Budget Control Act agreement.

Mr. Chairman, fortunately, despite these circumstances, the bill before us provides adequate funding for DHS front-line employees so that they can continue to conduct critical operations along our borders, to protect our Nation's airports and seaports, to disrupt the latest plots against the United States and our citizens, and to respond to the spate of natural disasters our country has experienced.

I'm also pleased that the bill significantly increases funding for critical grant programs, in marked contrast to the current year's inadequate levels. The bill also rejects the administration's poorly articulated changes to the grant structure, changes that have not been authorized.

Specifically, funding for FEMA's State and local grants is \$413 million above the fiscal year 2012 level, and both fire grants and emergency management performance grants are funded at the levels requested by the administration.

Equally important, the bill provides improved funding for research and developments efforts. The bill contains sufficient resources for the Science and Technology Directorate to fund all high-priority research efforts and some new projects as well.

Unfortunately, while the bill appears to fully fund the administration's request for science and technology, in reality it includes \$75 million for construction of the National Bio and Agro-defense Facility, NBAF, which the administration did not request, in effect reducing funds for research and development efforts.

Now, I support the eventual construction of this facility, but I must question the inclusion of \$75 million in limited resources for a project that the President did not request, that remains under review by two National Academy of Science panels, and that already has unobligated prior-year appropriations that it can draw upon.

The bill also increases funding for critical Coast Guard, as well as Air and Marine, acquisitions, to recapitalize aging assets while also bringing the latest aviation and vessel technologies online to ensure our personnel can operate more effectively.

And, finally, the bill includes a substantial increase for cybersecurity protective efforts to continuously monitor and detect intrusions to our Federal networks from foreign espionage and cyberattacks.

Mr. Chairman, the bill does contain some ill-advised immigration provisions. Unnecessary and wasteful statutory floors are set for a variety of programs, such as an arbitrary minimum of 34,000 detention beds, a required level of spending for the seriously flawed 287(g) program, and an inflexible amount for work-site enforcement. Including these types of spending floors

and mandates in bill language limits the Department's flexibility to respond decisively to immigration challenges and is likely to waste taxpayer dollars for no good reason.

I also object to the three abortion general provisions that were added in full committee. Now, we all know, Mr. Chairman, abortion is a politically charged subject. Numerous restrictions in law have already conditioned and qualified reproductive freedom in practice. Among those are prohibitions on the use of Federal funds for abortion procedures, which are specifically applied to Immigration and Customs Enforcement and the Department of Homeland Security by the President's Executive Order 13535, issued on March 24, 2010.

Until now, our bill has never touched on the topic of abortion because it's not relevant to the Department of Homeland Security, and it falls far outside the lines of jurisdiction of this subcommittee. So these provisions are redundant. They will accomplish nothing. They make no change whatsoever in current law or procedures.

They seem designed mainly for political effect; but I tell you, political effect cuts both ways. These abortion riders, while unnecessary, are inflammatory. They're divisive. They should not be included in the final bill.

Finally, I also strongly disagree with provisions that withhold the following: 60 percent of all funding provided to the Secretary, Under Secretary, Chief Financial Officer; 10 percent of all funding for salaries and expenses at Customs and Border Protection personnel; about 37 percent for Coast Guard Headquarters Directorate until they submit numerous reports required by statute.

Even more egregiously, these withholdings are coupled with a provision that prevents the Secretary, the Deputy Secretary, the commandant of our Coast Guard, and the vice commandant from using their aircraft until certain key reports are received by the committee. These constraints are excessive. They will prevent Department and Coast Guard leadership from effectively doing their jobs.

I support efforts to hold the Department accountable; and, in fact, we included carefully calibrated and targeted withholdings in this bill when I was chairman. But excessive and unrealistic limitations, frankly, detract from this subcommittee's credibility, and they're likely to be counterproductive.

Mr. Chairman, I will close by thanking the hardworking professional staff which has helped craft this bill and has assisted the subcommittee in a bipartisan manner over the course of the year. I want to thank, as the chairman did, Ben Nicholson, Kathy Kraninger, Jeff Ashford, Kris Mallard, Joe Croce, Miles Taylor, and Cornell Teague on the majority side and, of course, Stephanie Gupta on our side of the aisle and Justin Wein from my office.

Again, I want to reiterate my appreciation to the chairman for his efforts to work with us on so many issues and to sustain our front-line Federal homeland security operations.

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

Mr. ADERHOLT. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the full Appropriations Committee.

Mr. ROGERS of Kentucky. Thank you, Chairman ADERHOLT, for yielding the time.

Mr. Chairman, this is the 10th anniversary bill for this subcommittee. We began work in 2003, and the first three speakers that are on the platform today are the three chairmen of that subcommittee in its 10 years of history. I have the honor of being the first chairman and then was followed by DAVID PRICE as chairman, and now ROBERT ADERHOLT. So we have—if there is any accumulated wisdom, we possess a portion of it.

So we want to thank Chairman ADERHOLT and Ranking Member PRICE for their hard work on this subcommittee. This is truly a bipartisan, nonpartisan subcommittee because the Nation's security cannot bow to any partisan spirits.

□ 1430

I think after these 10 years we can all agree that the country is indeed safer than it was then. The country has thwarted several attempts at terrorist attacks in our skies. We've eliminated the world's most heinous terrorist, Osama bin Laden, and more recently the number two al Qaeda leader in Afghanistan and Pakistan. But we face constant reminders that the war on terror is anything near over. Our freedom is not free, and we can't skimp on our national security if we want to stay vigilant and, most importantly, safe.

Discretionary funding in this bill totals just over \$39 billion, which, indeed, is a cut of \$483 million below last year and \$393 million below what the President requested. Chairman ADERHOLT and his subcommittee drafted this bill with four priorities in mind: one, putting security first; second, encouraging strong fiscal discipline; three, mandating robust oversight efforts; and four, boosting the research and grant programs that support American jobs, innovation, and preparedness.

To support and address vital front-line operations, the bill makes smart increases or holds constant programs that enhance intelligence, threat-targeting, or that act as the first line of defense and response. This includes providing funding for the largest immigration detention capacity and number of Border Patrol agents in ICE history.

But at the end of the day, the bill totals less than it did last year, and that's because of thoughtful, responsible reductions. Our limited government resources must be put toward programs and services with proven benefits and tangible results. These cuts

targeted programs with known inefficiencies, program delays, excessive overhead costs, or those that simply had lower budget requirements. The bill also rescinds excess or unspent prior-year funds.

Now, as the Department enters its 10th anniversary, we are reminded that the Department in its current form is still “under construction.” Though we have seen some real progress made, DHS can still improve the way it spends taxpayer dollars and administers its grant programs.

This legislation, I think, takes the right steps to direct spending accordingly—enacting reforms, requiring tougher oversight, and demanding justifications and spending plans from programs that do not have a history of wise spending decisions.

Again, I want to thank Chairman ADERHOLT, Ranking Member PRICE, all of the members of the subcommittee, and the hardworking staff for all the many hours they’ve spent in drafting this important bill. This legislation is proof that we can do more with less. A reduction in spending, coupled with reforms to encourage efficiency and sustainability, will help us get on a stronger fiscal path.

I believe this is a good bill, Mr. Chairman. It’s as good a bill as I’ve seen in my 10 years on this subcommittee, and I want to, again, congratulate those who had a hand in making it possible.

So I urge my colleagues to vote “yes” on this bill to help prevent future terrorist attacks, to protect air passengers, and to keep our border secure.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to yield 3 minutes to an outstanding member of our subcommittee, the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I would like to thank Chairman ADERHOLT and Ranking Member PRICE for their bipartisan work on this legislation.

The fiscal year 2013 Homeland Security appropriations bill would make smart investments in our national security infrastructure, including increasing funds for cybersecurity, focusing homeland security dollars at communities most at threat of terrorist attacks, and providing our first responders with the resources to protect us.

With limited resources, we must prioritize assistance to the regions most likely to be attacked. That is why I am so pleased that this bill takes a step toward restoring the original intent of the Urban Area Security Initiative by focusing resources on the 25 most at-risk cities while still providing funding for other regions through other programs.

Ten years after 9/11, the threat of radiological attack and New York’s status as the number one terror target remain. That is why I am so pleased that this bill would maintain \$22 million to support Securing the Cities, which seeks to prevent the smuggling of illicit nuclear material into Manhattan.

I am also pleased that Assistance to Firefighter and SAFER grants would be adequately funded. As local governments have faced difficult budget decisions, firefighters have been laid off, leaving our neighborhoods with inadequate protection. This legislation would fund firefighter hiring grants and would extend the SAFER waiver to allow communities to retain or rehire laid-off firefighters.

I am extremely disappointed, however, that Republicans needlessly injected divisive social issues into the bill. I’ve served on this subcommittee or on the authorizing committee for nearly a decade. In that time, I’ve met with the first responders, ICE agents, Border Patrol, and many other security personnel. Not once have they said that women’s reproductive health makes our country less secure—not once. Weighing down this bill with ideological riders is a disservice to all first responders.

In closing, again, I would like to thank the committee for its investments in homeland security and first responders, and I hope that this legislation will not be used as a vehicle for ideological policy riders on the floor.

Mr. ADERHOLT. Mr. Chairman, I would like to yield 3 minutes to the chairman of the Homeland Security authorizing committee, the gentleman from New York, Mr. PETER KING.

Mr. KING of New York. I thank the chairman of the Appropriations subcommittee for yielding.

Let me at the very outset thank him for his leadership and cooperation in working through such a difficult bill at such a difficult time in our history. We are faced with a severe terrorist threat. We are also faced with severe fiscal restraints. Last year, I very reluctantly voted against the Homeland Security appropriations bill.

I want to commend Chairman ROGERS and Chairman ADERHOLT for working to resolve the good faith differences we had. For instance, in areas such as State and local grants, we increased them by \$350 million to increase by 50 percent the amount allocated to the highest-risk areas in our country. The Urban Area Security Initiative, the State Homeland Security Grant Program, port security, transportation security—all of those programs were addressed in this bill. Nothing is ever as much as we want, but considering the realities we face as a Nation, Chairman ROGERS and Chairman ADERHOLT have done an outstanding job.

Coming from a district which lost so many people on September 11 and which still faces threats, and where we every day, quite frankly, analyze terror threat reports, this funding is extremely important, especially to the NYPD, which does such an outstanding job in spite of the gratuitous, mindless, shameless attacks made upon it by those in the media and by others in elected office as well. So this funding is extremely, extremely vital, especially

for the STC, the Secure the Cities program, which will protect not just New York but will provide a template to protect urban areas against dirty bomb attacks throughout the country.

Let me also focus on the issue of the TWIC program. I know the ranking member from the Homeland Security Committee is here and that he’ll be addressing this later, but this is an issue of bipartisan concern to our committee: the fact that we still have not been able to protect the TWIC system and that there have been burdens imposed on our workers as far as time constraints being imposed on them and as far as the funding they have to spend. This is a real burden that has been put on them.

□ 1440

So in the Homeland Security Committee, we passed by voice vote the SMART Port bill, which attempts to alleviate this burden on the port worker. Primarily what it does is extends the validity of the TWIC cards currently set to begin expiring later this year until the Department of Homeland Security finally releases the TWIC reader rule.

Port workers, drivers, and others who have to obtain a TWIC should not have to bear the burden of the government’s inability to get the job done. I believe the provision we included in this SMART Port bill provides sufficient motivation for the Coast Guard and TSA. I can assure you on behalf of myself—I know he can speak for himself—and the ranking member of the committee as well, we will work together, our committee will work with the Appropriations Committee and with the Department as we try to resolve this issue.

Again, I thank Chairman ADERHOLT for his leadership and for the job that he has done.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a leading member of our full Appropriations Committee.

Ms. KAPTUR. I would like to thank Ranking Member PRICE for yielding us this time, as well as Chairman ADERHOLT and full committee Chairman ROGERS, for their work on this legislation and for accepting and including the buy American language that we had worked so very hard and requested.

The Department of Homeland Security needs to raise its consciousness about the importance of buying American and its relationship to jobs in America. Our language further clarifies what has long been the intent of Congress, that the Department of Homeland Security must comply with the Berry amendment and buy U.S.-made products. This is an essential provision for the American economy and our manufacturers.

Congress has already voted to explicitly direct the Department of Homeland Security to comply with the Berry amendment. The Department of Homeland Security is either musclebound or

has been dragging its feet, but somehow they're not hearing us for some odd reason. Also, the Department of Homeland Security's authorizing committee unanimously adopted an amendment that would ensure permanent compliance.

The Department of Homeland Security, one of the largest departments in our government, should be the leader in Homeland Security, starting with strengthening American procurement. Can you imagine what they procure in a year? I know they buy a lot of U.S.-made flags—or at least they should—but also vessels, our Coast Guard's full array of equipment, security systems, weapons, uniforms, etc. The list goes on and on. So why wouldn't they make an effort to do what Congress directed?

I would like to also acknowledge the fine work of the gentleman from North Carolina, Congressman LARRY KISSELL, for his consistent leadership on this issue of buying American. I would also like to acknowledge Representative KATHY HOCHUL, who, in her first term, has been a steadfast leader for buying American as essential for U.S. job creation.

I want to thank the full committee for their commitment to this issue. We would like to invite the Department of Homeland Security to the American table. Let's follow suit with the Department of Defense and the other major departments of our government. Let's buy American and help to contribute to procurement of goods and services made right here in the USA. It's the best investment that we can make in the future.

Mr. Chairman, I would like to thank the ranking member so very much, along with Mr. ADERHOLT, for including this language in the bill. Let us hope that the Department of Homeland Security is listening, pays attention to the law, and buys American in the national interest.

Mr. ADERHOLT. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from New Jersey, the hard-working chairman of the Energy and Water Subcommittee, who has also been on the floor this week with his legislation, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to thank the chairman for yielding, and I rise in support of the Homeland Security appropriations bill.

Our Nation lives with the memory of September 11, 2001, each and every day. We can never take back the events of that day or the thousands of lives, including 700 from New Jersey, that were lost.

Like Mr. KING, I would like to highlight that this legislation includes critical funding for investments in first responder grants. The bill includes \$1.7 billion for the Department's State and local grant program, which include the Homeland Security Grant program, or what we call UASI, Urban Area Security Initiative, both of which have been greatly benefiting New Jersey and the

New York metropolitan area for the last 10 years. The bill also includes \$650 million in firefighter grants and \$350 million for emergency management performance grants.

It's important to note that this bill again includes, due to the leadership of the chairman, language to improve accountability and transparency to ensure the taxpayers' dollars are well spent.

Lastly, I think all of us would like to recognize how much we depend on the hard work and dedication and tireless work of so many homeland security professionals, emergency squads, fire and police that do the job and some of whom have paid the ultimate sacrifice.

Mr. PRICE of North Carolina. Mr. Chairman, I am privileged to yield 2 minutes to the gentleman from Mississippi, the outstanding ranking member of the authorizing committee, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank the gentleman from North Carolina for allowing me the time.

I have a number of thoughts on the underlying bill before us today, but I'd like to take the opportunity to discuss the Transportation Worker Identification Credential program, the TWIC program.

Earlier today, the authorizing committee, on a bipartisan basis, approved language modeled after a bill I introduced, H.R. 1105, to prevent current TWIC holders, the men and women who work in our ports, from being forced by TSA to pay for new identification cards beginning in October of this year, given the program is not fully implemented and the Department has not even issued a rule for biometric readers.

The TWIC program is focused on protecting the Nation's maritime transportation facilities and vessels by requiring maritime workers and other workers who need unescorted access to secure port facilities to obtain a biometric identification card. After initial delays, all maritime workers were required to obtain biometric TWIC cards by April 2009. The cost to workers for these cards is \$132.50 per credential. To date, over 2.1 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and criminal background checks to secure TWICs. Even as workers raced in the spring of 2009 to obtain TWICs to continue working in our Nation's ports, TSA has been more than 2 years late in starting the reader pilots.

Our committee has been told that even under the best circumstances, final regulations are not likely to be issued until late 2014, more than 5 years beyond the date required in statute. Yet, unless Congress or the administration acts, starting October 2012, workers will have to renew the cards they were issued.

The Acting CHAIR (Mr. FORTENBERRY). The time of the gentleman has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I yield an additional minute to the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Thank you very much, Mr. Ranking Member.

The point I would like to make, Mr. Chairman, is that 2.1 million workers have TWIC cards. Through no fault of their own, they will be required to renew those cards unless we act.

I appreciate this legislation, acknowledging that we have to do something for those workers or, through no fault of their own, they'll have to renew a card, which is at this point, at best, a flash card. It's not really a worker identification card.

Mr. ADERHOLT. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), who is the chairman of the Transportation, Housing and Urban Development Subcommittee.

□ 1450

Mr. LATHAM. Chairman ADERHOLT, thank you very much.

I rise in strong support of H.R. 5855, the Department of Homeland Security Appropriations Act for Fiscal Year 2013, and I commend the chairman and the ranking member and the staff for doing a really excellent job of crafting a bill that both strengthens our security and reduces government spending.

I'm pleased the committee adopted an important amendment, which I cosponsored, which would waive Federal grant requirements to allow the retention of firefighters hired in our local communities. This is a critically important provision for maintaining response capabilities throughout the Nation.

I also want to highlight the fact that despite spending reductions elsewhere in the bill, we were fully funding FEMA's stated requirements for disaster relief, including flood-related grants. Congress has long recognized the Federal role in disaster relief and prevention efforts, since the first disaster relief bill was passed in 1803. The funding contained in the bill today is important because it continues the move away from ad hoc disaster legislation, and toward including relief in mitigation funding in our regular appropriations.

This assistance is vitally important for the safety net for communities at risk for natural disasters. Throughout the summer of 2011, I saw firsthand the flood damage along the Missouri River in western and southwestern Iowa and spoke with Iowans whose lives were disrupted by that disaster. The flood dealt serious damage to properties along the river and took a breath-taking toll of nearby communities. Hazard mitigation and other disaster assistance funding is absolutely necessary to help them rebound from this tragic flooding.

With that, Mr. Chairman, I urge all Members of the House to support final passage of H.R. 5855.

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

Mr. ADERHOLT. I yield 1 minute to the gentleman from New Jersey (Mr. LOBIONDO), who is the chairman of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. LOBIONDO. Mr. Chairman, I rise today in very strong support of H.R. 5855.

Earlier this year, the President requested to cut funding for the Coast Guard more than 4 percent below the current level. This was the first time in over a decade that a President has proposed to reduce funding for the Coast Guard. In his budget, the President proposed to slash the number of servicemembers by more than 1,000, which would shutter recruiting stations, take recently upgraded helicopters out of service and exacerbate the growing patrol boat mission-hour gap by retiring vessels before their replacements arrive.

For acquisitions, the President proposed to slash the budget by more than \$270 million, or 19 percent below the FY2012 enacted level. The request proposed to terminate or delay the acquisition of several critically needed replacement assets and eliminate funding to renovate derelict housing for servicemembers and their dependents.

The cuts put forth by the Obama administration were simply unacceptable and I myself and, I think, a large number of Members were gravely concerned. As chairman of the Coast Guard's authorizing committee, I know how critical it is for us not to repeat the mistakes of the 1990s when misguided cuts to the service's operating and acquisitions budget left it entirely unprepared to meet the post-9/11 mission demand.

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

Mr. ADERHOLT. I yield the gentleman an additional 30 seconds.

Mr. LOBIONDO. Fortunately, the bill before us today rejects the draconian cuts proposed by the President and ensures the Coast Guard is provided with the resources needed to carry out its critical missions. I want to especially thank Chairman ADERHOLT, Ranking Member PRICE, and their entire staff for recognizing the critical mission needs of the Coast Guard and accommodating those needs for the protection of America.

I urge all Members to support the legislation.

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

Mr. ADERHOLT. Mr. Chairman, I yield 1 minute to the vice-chairman of our Subcommittee on Homeland Security, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise in strong support of H.R. 5855, the FY2013 Homeland Security Appropriations measure.

As a member of the Homeland Security Appropriations Subcommittee, I

believe that under the leadership of Chairman ADERHOLT we have exercised the much-needed oversight of the Department through the course of this year's hearings. This bill, along with the accompanying report, continued to ensure Congress is kept informed of how valuable taxpayer dollars will be spent by requiring numerous reports and briefings from DHS.

This bill funds frontline security operations at their highest level in history, ensuring that our Border Patrol agents and ICE officers have the resources they need to secure our borders. I'm also pleased that this bill includes language that will improve awareness and cooperation between Federal Agencies and nongovernmental organizations to help them combat the heinous crime of human trafficking, also known as modern-day slavery.

I urge my colleagues to support this critical measure.

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

Mr. ADERHOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania, a hardworking member of our Subcommittee on Homeland Security, Mr. DENT.

Mr. DENT. Mr. Chairman, I rise today in support of the Department of Homeland Security Act of 2013, and I want to thank Chairman ADERHOLT and Ranking Member PRICE for their leadership of this subcommittee.

H.R. 5855 is a fiscally responsible measure, and it totals \$39 billion in discretionary funding for DHS, a decrease of about \$484 million below current levels. The bill takes a scalpel to Agencies, ensuring adequate funding is available to meet program objectives while weeding out unnecessary spending.

I want to take a moment to highlight a few of the critical aspects of this bill. First, our first responders, we provide \$2.8 billion for FEMA first responder grants. Additionally, the Assistance to Firefighter Grants and Emergency Management Performance Grants will receive \$670 million, equal to the President's request.

Furthermore, I am pleased to note an amendment offered by Mr. PRICE, Mrs. LOWEY, Mr. LATHAM and me during the full committee markup to foster further flexibility for local departments in utilizing fire grant funds that were adopted in this measure.

As for border protection, the bill contains \$10.2 billion for U.S. Customs and Border Protection, supporting the largest totals of CBP border agents and officers in history. Similarly, the U.S. Immigration and Customs Enforcement received \$5.5 billion in supporting initiatives like the Visa Security Program, as well as 34,000 ICE detention bed spaces, our highest capacity to date.

These are just a few provisions in the bill I wanted to touch on this afternoon. H.R. 5855 has been crafted as a smart and fiscally responsible funding

bill from the Department of Homeland Security. I encourage my colleagues to support passage.

Also, I just want to commend the leadership of Chairman ROGERS and Ranking Member DICKS for their leadership on this measure as well.

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

Mr. ADERHOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. ROGERS), who is the subcommittee chairman on the authorizing Homeland Security Subcommittee and chairing the Transportation Security Subcommittee.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong support of this bill and urge all of my colleagues to vote for it.

I also want to congratulate my friend and colleague from Alabama, Chairman ADERHOLT, for all his hard work on this bill.

He has shown the American people how to craft a bill that is strong on homeland security, helps protect us from terrorist attacks, funds vital programs and grants, and does so in a fiscally responsible manner by spending almost \$500 million less than last year.

The bill helps protect our borders and prioritizes funding for immigration enforcement. It provides critical grants funding for our first responders, our heroes on the frontline of attack or disaster.

For transportation security, the bill takes on TSA's bureaucratic mess. It cuts \$61 million from TSA managerial overhead. It caps full-time screening personnel at 46,000, and it emphasizes the private sector's role in airport security screening operations.

□ 1500

Importantly, it does not increase any fees that would fall on the traveling public, which would threaten jobs in the aviation industry.

I know firsthand of Chairman ADERHOLT's dedication and leadership on these issues. I also know of his commitment to reducing wasteful spending and restoring fiscal sanity in Washington. Again, I commend my friend and colleague from Alabama and his fine staff for their hard work and dedication and urge all my colleagues to vote for the bill.

Mr. PRICE of North Carolina. Mr. Chairman, does the majority have any further requests for time?

Mr. ADERHOLT. We have no further requests for time.

Mr. PRICE of North Carolina. Mr. Chairman, I will conclude by again commending the chairman and our whole subcommittee. We have a good active group of members, and virtually all had positive input into this legislation. I appreciate the spirit in which the chairman has made an honest effort to accommodate constructive input from all sources.

There's much to commend about this bill, starting with the support of frontline operations, but also some improvements from the funding situation we're

dealing with this year with respect to State and local FEMA grants, for example, and with respect to science and technology investments. There are funding shortfalls in this bill with respect to the headquarters' needs at St. Elizabeth's, with respect to certain administrative needs of the Department, and others that we could name. But under the constraints of the budget allocation there is a good balance in this bill, I think, and one that has required a great deal of accommodation and a great deal of hard work.

I have already said that I think there are some extraneous elements of this bill that are not so constructive: the immigration provisions, the abortion provisions, and some excessive withholding provisions. I sincerely hope that in the debate to come we will not compound that problem.

We know we're going to be dealing with dozens of amendments. We're going to be dealing with additional proposed riders, ill-advised for the most part. We're going to be dealing with some tempting spending provisions that will cannibalize those front office expenses or the science and technology expenses or other accounts in this bill for the sake of amendments that may sound good but really could upset some of the delicate balances that this bill has struck.

So we're going to have, I hope and believe, a probably lengthy and also constructive process of discussion and amendment under the open rule, and I very much hope that the end result of that process will be a bill that can claim broad support. We're going to have a few hours until that process begins, but I look forward to getting on with this and at the end of the week producing a Homeland Security appropriations bill.

I yield back the balance of my time.

Mr. ADERHOLT. As I had mentioned earlier in my opening comments, I do believe this bill is a good bill. It reflects our best efforts to try to address our Nation's most urgent needs: of course, first of all, security, and second of all, fiscal discipline. Both of those are very important in this age in which we live.

So I would urge my colleagues to support this measure as it moves to the floor.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chair, I rise today in support of H.R. 5855, the Fiscal Year 2013 Department of Homeland Security Appropriations Act. I want to commend Chairman ADERHOLT and Ranking Member PRICE for their work on this bill, which provides vital security funding while also being fiscally responsible.

As the Chairman of the Subcommittee on Emergency Preparedness, Response, and Communications, I am particularly pleased that the Appropriations Committee rejected the Administration's proposal to create a new National Preparedness Grant Program. The proposal in the President's budget request lacked detail and was developed without any input from emergency response providers. I appreciate Chairman ADERHOLT's recognition that

this proposal requires consideration by the Committee on Homeland Security. That consideration is underway. The Subcommittee on Emergency Preparedness has been working with FEMA and stakeholders to consider this and other proposals for grant reform. Until that review is complete, it is this body's direction that FEMA should continue to administer the grant programs in accordance with the statutory authorities in the 9/11 Act and the SAFE Port Act.

With that, I urge all Members to support this bill.

The Acting CHAIR. All time for general debate has expired.

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. CARTER) having assumed the chair, Mr. FORTENBERRY, 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. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. FLAKE. I have a motion at the desk.

The SPEAKER pro tempore (Mr. FORTENBERRY). The Clerk will report the motion.

The Clerk read as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provision contained in the matter proposed to be inserted as section 104(c)(1)(B) of title 23, United States Code, by section 1105 of the Senate amendment that reads as follows: "for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available".

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Arizona (Mr. FLAKE) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

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

This motion is simple: it simply ensures that the minimum rate of return for any State under any new highway reauthorization is 95 percent.

As I'm sure everyone is aware, every gallon of gas sold in your State provides money to the highway trust fund via the Federal gas tax. Trust fund money is then dispersed back to the States using very complex mathe-

matical formulas that are determined with each surface transportation reauthorization. A reoccurring issue is the debate surrounding Federal transportation policy. It's been the historic disparity by which a number of States have received less back in funding than they have invested in the highway trust fund through the gas tax. For years, these donor States have fought for more equity and a higher minimum rate of return to ensure that they recoup as large a slice of their own gas tax dollars as possible.

This motion would increase the minimum rate of return to 95 percent, as passed in the Senate-MAP 21 bill. With the influx of general fund moneys to backfill the highway trust fund over the past couple of years, this donor/donee State issue has been a bit blurred, but the issue going forward can't be ignored.

This is not a partisan issue, I should mention. It's simply an issue of fairness. I urge my colleagues to vote "yes" on this motion and just tell the conferees to not agree to anything that gives States less than 95 cents on the dollar for what they pay in. As we know, for years and years, there's been this disparity. States like Arizona, California, Texas, and Florida, are donor States. Under SAFETEA-LU, the minimum rate of return is just 92 cents. These are growing States. Why in the world are we giving a dollar and getting 92 cents back?

This disparity has existed for a long time for a number of reasons. One of the primary reasons has been the existence of earmarks along the way whereby Members of donor State delegations were convinced to go ahead and accept a lower rate of return for their State in exchange for moneys to spend however they wanted with regard to earmarks. And that has not been a good trade for most donor States.

When you add up all the Members of the House of Representatives who represent donor States, it's over 300. So we can all ban together as donor States and say we're not going to sign off on anything that gives us less than 95 cents on the dollar.

Now we all recognize there are reasons why certain States with very small populations and very big infrastructure needs might receive more than the dollar that they put in. But there is no excuse to, in perpetuity, treat States like Arizona and others to a smaller rate of return year after year after year.

□ 1510

It is simply not right. This is simply telling the conferees, agree at least to what the Senate is doing. I should note that we're going to conference in the House with the extension of SAFETEA-LU which is 92 cents on the dollar. We're saying just take it up to 95.

So that's what this motion is about. I would urge my colleagues to agree to it, and I reserve the balance of my time.