This is what the law demands and this is the right thing to do.

I urge my fellow members to support the Simmons-LoBiondo amendment.

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

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

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

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

The Coast Guard has always been and has continued to be a unique, multi-mission Service within the Federal government. As such, Congress required the Coast Guard to remain an independent entity within the Department of Homeland Security with complete control over all of the Service's functions, authorities, and assets. Any changes to the Coast Guard's research and development program will restrict the Service's ability to improve methods to protect the safety and security of lives and vessels in U.S. waters and on the high seas.

I urge my colleagues to support this amendment and to maintain the integrity of the Coast Guard by restoring funding for the Service's research and development program. I thank the gentleman from Connecticut again for bringing forth this amendment.

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

Mr. Chairman, I applaud the great work the chairman and the ranking member are doing on this bill, but also wish to express my deep concerns and ask for a colloquy with the chairman.

We are not paying enough attention to the northern border of the United States. Unless they represent the border States like Minnesota, some Members may not realize that the U.S.-Canada border is over 4,000 miles long and consists of over 430 official and unofficial ports of entry. However, even with recent staffing moves, moves that I commend, the Customs and Border Patrol has only 1,000 agents along the northern border. That compares to over 10,000 agents on the border which is half the length of the U.S.-Canada border.

This staffing shortage along the northern border poses a real security threat. In fact, due to the shortage, the Department of Homeland Security has looked for new ways to monitor the Canadian border, such as a new proposed requirement for passports to get back and forth across the border. Unfortunately, anyone who has spent time up north knows this will not accomplish much to deter or prevent illegal activities or to secure the border.

Simply put, the Canadian border is just too vast for such an approach to work with many unmanned check points in remote areas. I know from personal stories that at some of these unmanned crossings, people have to wait an hour or more before a border patrol agent can come to lift up the gate so they can cross.

Mr. Chairman, we do not expect al Qaeda and narcotics traffickers to wait an hour for the border patrol to show up at the check point. We have already recognized in numerous laws that high-tech border surveillance must be integrated into the manpower and resources we have up there to get real control over our borders.

In the prior year's Defense Authorization Act, in the prior year's Homeland Security Appropriations Act, and in this year's Intelligence Reform Act, Congress recognized the need to develop high-tech border surveillance. However, what little progress the Department of Homeland Security has made on this front has been entirely confined to the southern border even with the $10 million appropriated in this bill last year. Mr. Chairman, this is unacceptable. We simply are not paying enough attention to the northern border.

Some think the southern border is more dangerous, but I remind my colleagues that terrorists will attack us through the path of least resistance. I believe it is critical that the funds allocated to the Customs and Border Patrol accounts used to pay much-needed research and survey technology, including unmanned aerial vehicles, be not solely devoted to the southern border but also to the northern border to stretch the resources our Custom and Border Patrol manpower has.

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

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for bringing up this important subject. The gentleman makes an extremely important point, and that is we have two borders, the southwest and the Canadian border.

Over the years, I have to agree, we have neglected the northern border. So I join the gentleman in his sentiments that we find the monies, or be sure that the monies we have appropriated are spent on both borders. I thank the gentleman for bringing up that very important point.

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

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

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

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

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

The CHAIRMAN. The Committee will rise informally.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $18,505,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $303,700,000; of which $75,756,000 shall be available for salaries and expenses; and of which $227,944,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the

United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Department shall report within 180 days of enactment of this Act on its enterprise architecture and other strategic planning activities in accordance with the terms and conditions specified in the House report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

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

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

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

AUTOMATION MODERNIZATION

For necessary expenses of the United State Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note) and for the development, deployment, and use of Free and Secure Trade (FAST), NEXUS, and Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), $411,232,000, to remain available until expended, which shall be allocated as follows:

(1) $7,000,000 for FAST.

(2) $14,000,000 for NEXUS/SENTRI.

(3) $390,232,000 for the United States Visitor and Immigrant Status Indicator Technology project: *Provided*, That of the funds provided for this project, $254,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

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

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

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

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

(E) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,885,544,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $35,000 shall be for official reception and representation expenses; of which not less than $141,060,000 shall be for Air and Marine Operations; of which not to exceed $174,800,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of the Bureau of Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Under Secretary for Border and Transportation Security, or a designee, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, $10,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives all required reports related to air and marine operations: *Provided further*, That of the total amount provided, $2,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives a report on the performance of the Immigration Advisory Program as directed in House Report 108–541: *Provided further*, That of the total amount provided, $70,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives part two of the report on the performance of the Container Security Initiative progam, as directed in House Report 180–541: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $458,009,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

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

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

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

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

(5) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $347,780,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $93,418,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $3,064,081,000, of which not to exceed $10,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less

than $203,000 shall be for Project Alert; of which not less than $5,000,000 shall be for costs to implement section 287(g) of the Immigration and Nationality Act, as amended; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed $2,000,000 shall remain available until expended: *Provided further*, That of the amounts appropriated, $50,000,000 shall not be available for obligation until the Assistant Secretary of Immigration and Customs Enforcement submits to the Committee on Appropriations of the House of Representatives a national detention management plan including the use of regional detention contracts and alternatives to detention: *Provided further*, That the Assistant Secretary of Immigration and Customs Enforcement, with concurrence of the Secretary of Homeland Security, shall submit, by December 1, 2005, to the Committee on Appropriations of the House of Representatives a plan for the expanded use of Immigration Enforcement Agents to enforce administrative violations of United States immigration laws.

□ 1500

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 12, line 20, after the first dollar amount insert the following: ''(reduced by $5,000,000)(increased by $5,000,000)''.

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

The CHAIRMAN. The gentleman reserves a point of order.

Mr. KING of Iowa. Mr. Chairman, I am offering this amendment to establish how $5 million is spent with regard to the homeland security.

I rise today to offer this amendment to promote participation of employers in the Basic Pilot Employment Eligibility Verification System, a program I like to call Instant Check. This program takes the guesswork out of hiring legal employees. This basic pilot program checks the Social Security Administration and Department of Human Services databases using an automated system so that employers can verify the employment authorization of all of their new hires. This program is voluntary and is free to participating employers. All an employer needs is a computer with an Internet connection, which most everyone has.

My amendment would make it easier for employers to hire legal workers. By using this program, employers no longer have to worry about whether the identification documents used to fill out the required I–9 form are real or forgeries. I have personally used this program and found it easy to use. It was Web-based and gave me an answer quickly. The longest wait for Instant Check that I could devise was 6 seconds.

My amendment would also improve the accuracy of wage and tax reporting. Employees would know after the check whether their information is properly recorded at the Social Security Administration and with the immigration services. If there were any mistakes, they could be corrected so that employees would get proper credit for their Social Security contributions.

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

The program began in November 1997 with five States in a pilot program, added a sixth State in 1999, and as of December 1, 2004, this basic pilot program has been available to employers in all 50 States. I hope that more employers will take advantage of this and verify their employees. Given that Immigration and Customs Enforcement has the authority to sanction employers for hiring illegal workers, it only makes sense that they should also encourage employers to use the free instant check verification program so that employers can avoid breaking the law.

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

This amendment simply inserts $5 million and withdraws $5 million in a pro forma effort to direct that funding in a fashion that will promote the Instant Check program. That would be the most effective way of utilizing it. It seems to be somewhat of a trade secret that employers can now verify the employability of their employees.

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

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

The CHAIRMAN. The gentleman withdraws the point of order.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $698,860,000, of which not to exceed $5,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $40,150,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

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

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

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

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

(5) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,546,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing aviation security, $4,591,612,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be available for official reception and representation expenses: *Provided*, That of the total amount provided under this heading, not to exceed $3,608,599,000 shall be for screening operations, of which $170,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $983,013,000 shall be for aviation security direction and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,601,612,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall become available during fiscal year 2007: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, the Government's share of the cost of a project under any letter of intent shall be 75 percent for any medium or large hub airport and 90 percent for any other airport, and all funding provided by subsection (h) of such section, or from appropriations authorized by subsection (i)(1) of such section, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I rise to raise a point of order against the paragraph.

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

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

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

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

The Chair is prepared to rule.

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

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

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

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

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

Members and the public should be aware that right now we are running about a $2 billion shortfall. We assumed this responsibility from the airlines. In addition, the airlines had promised and testified before us that they were paying about a billion dollars and would pay a billion dollars each year if we assumed this responsibility. They have reneged in that responsibility; and last year they paid us $315 million, short some $700 million.

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

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURFACE TRANSPORTATION SECURITY

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

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs by the Office of Transportation Vetting and Credentialing, $84,294,000.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence activities, $541,008,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, $50,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection machines, at the Nation's airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and long-term costs; and (2) a detailed spend plan for explosive detection systems procurement and installations on an airport-by-airport basis for fiscal year 2006: *Provided further*, That these plans shall be submitted no later than 60 days after enactment of this Act.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note), and recreation and welfare, $5,500,000,000, of which $1,200,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $119,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $798,152,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $22,000,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $29,902,000 shall be available until September 30, 2010, to increase aviation capability; of which $130,100,000 shall be available until September 30, 2008, for other equipment; of which $39,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which $76,450,000 shall be available for personnel compensation and benefits and related costs; and of which $500,000,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008, only for Rescue 21: *Provided further*, That of the funds appropriated under this heading for the Integrated Deepwater System, $50,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives receives from the Secretary of Homeland Security a new Deepwater program baseline that reflects revised, post September 11th operational priorities that includes—

(1) a detailed justification for each new Deepwater asset that is determined to be necessary to fulfill homeland and national security functions or multi-agency procurements as identified by the Joint Requirements Council;

(2) a comprehensive timeline for the entire Deepwater program, including an asset-by-asset breakdown, aligned with the comprehensive acquisition timeline and revised mission needs statement, that also details the phase-out of legacy assets and the phase-in of new, replacement assets on an annual basis;

(3) a comparison of the revised acquisition timeline against the original Deepwater timeline;

(4) an aggregate total cost of the program that aligns with the revised mission needs statement, acquisition timeline and asset-by-asset breakdown;

(5) a detailed projection of the remaining operational lifespan of every type of legacy cutter and aircraft; and

(6) a detailed progress report on command, control, communications, computers, intelligence, surveillance, and reconnaissance equipment upgrades that includes what has been installed currently on operational assets and when such equipment will be installed on all remaining Deepwater legacy assets: *Provided further*, That the Secretary shall annually submit to the Committee on Appropriations of the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

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

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

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

ALTERATION OF BRIDGES

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

RETIRED PAY

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

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,228,981,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,678,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2007: *Provided further*, That of the total amount appropriated, not less than $10,000,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until September 30, 2007: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

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

STATE AND LOCAL PROGRAMS

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

(1) $750,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) $1,215,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

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

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

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

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

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

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

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

(3) $50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $366,300,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities; for minor perimeter security projects, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further*, That the proceeding proviso shall not apply to grants under subparagraphs (B) and (E) of paragraph (2) of this heading: *Provided further*, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: *Provided further*, That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office of State and Local Government Coordination and Preparedness shall issue the final National Preparedness Goal no later than October 1, 2005; and no funds provided under paragraphs (1) and (2)(A) shall be awarded to States that have not submitted to the Office of State and Local Government Coordination and Preparedness an updated State homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005.

AMENDMENT OFFERED BY MR. LATOURETTE

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

The Clerk read as follows:

Amendment offered by Mr. LATOURETTE:

Page 28, line 5, after the semicolon insert ''and''.

Page 28, strike lines 6 through 13.

Page 28, line 14, strike ''(F)'' and insert ''(C)''.

Mr. LATOURETTE. Mr. Chairman, it is my intention to ask unanimous consent to withdraw the amendment at the conclusion of my remarks. I want to commend Chairman LEWIS of the full committee, Chairman ROGERS of the subcommittee, and also Chairman YOUNG of the Committee on Transportation and Infrastructure for having dialogues on these particular sections.

These sections in H.R. 2360 make appropriations to three State and local grant programs that are not and have never been authorized, specifically, a trucking industry security grant system, an inner city bus security grants

and inner city rail, freight rail and transit security grants. In each of these areas, the Department of Transportation has existing and ongoing security programs that are managed at the Federal and State level by the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and State safety oversight agencies.

The FRA act provides the Federal Railroad Administration with strong authority to promote rail safety in every aspect of rail operations. The FRA has a robust and active inspector workforce that is on the ground every day inspecting the safety and security of America's freight railroads, and the same with the truck safety and the same with the bus safety.

I want to commend the appropriations subcommittee for looking at this problem, but I want to point out that, one, there is no authorization from the Committee on Transportation and Infrastructure; two, it is my understanding in the homeland security bill that will be on the floor tomorrow there is no authorization as well.

One of the problems that we have seen in the Committee on Transportation and Infrastructure right here in the District of Columbia, Mr. Chairman, is the city council and the District of Columbia when they have looked at a pot of money or when they have looked at a program that has been passed by homeland security but has not gone back and referenced the Federal Rail Act have said, You know what? No more trains going through the District of Columbia. You are going to have copycat legislation like this all over the United States of America.

It is my understanding, and I would invite the distinguished subcommittee chairman to comment if he would want to, that Chairman LEWIS and Chairman YOUNG have talked about the fact that we need to make sure that we do not create an overlay of law and regulation that permits these NIMBY things to pop up. Obviously, everybody in this House wants the safest rail system, safest trucking system, and the safest inner-city bus systems in the world. But we cannot do it if we create a fund over here, a fund over there, and a fund over there.

I would hope that the chairman perhaps could commit to us to working as this bill goes to conference to see how we can put these into existing programs or work out new programs that achieve what I know the chairman is trying to achieve.

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

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

□ 1515

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman brings up a good point, and I think the gentleman would agree that since 9/11 we have spent most of the Transportation Security money on air flight and we have neglected, I think, rail security and port security and bus security and some of the others, trucking. However, I will be happy to work with him so that we do have moneys that are designated for these particular purposes, so that the Department does not have the capability of spending it all in one place. I think it is important that we do have, if we can get it through the authorization process, kitties destined just for rail, just for ports, just for trucks, buses, and the like.

Does the gentleman agree?

Mr. LATOURETTE. Mr. Chairman, reclaiming my time, I do agree. And I want to thank the distinguished subcommittee chairman. I know some of the frustration that some of us have felt is that the TSA should be named the Aviation Security Administration rather than the Transportation Security Administration. So I know that what the gentleman and the subcommittee were attempting to do was shared by at least this gentleman and I would assume most of the people in the Committee on Transportation and Infrastructure.

Our concern, and I think our concern has always been, as we move forward, that we not create two parallel universes, neither of which has sufficient money to get this job done. And the only purpose of this amendment, which I am going to withdraw when I am through yielding to the gentleman, was that we look at existing programs that already exist and if we want to put $150 million dollars in for rail security that it go to the FTA and that we say that it is going to be used only for security and it is not going to be used for other goofy stuff.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman is right on track and I think we can agree with it.

Mr. LATOURETTE. Mr. Chairman, I thank the chairman for his agreement.

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

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

There was no objection.

The CHAIRMAN. 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.), $600,000,000, of which $550,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $50,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of the Act, to remain available until September 30, 2007: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $10,000,000, to remain available until expended: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $2,306,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Directorate of Emergency Preparedness and Response, $249,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Directorate of Emergency Preparedness and Response, $225,441,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2006, 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, 2006, and remain available until expended.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,023,900,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: *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 MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; not to exceed $40,000,000 for financial assistance under section 1361A of such Act to States and communities for taking actions under such section with respect to severe repetitive loss properties, to remain available until expended; not to exceed $10,000,000 for mitigation actions under section 1323 of such Act; and not to exceed $99,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to $40,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: *Provided,* That in fiscal year 2006, no funds in excess of (1) $55,000,000 for operating expenses; (2) $660,148,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

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), $40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $40,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: *Provided,* That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further,* That total administrative costs shall not exceed 3 percent of the total appropriation.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against, beginning with the colon on page 36, line 19, through ''funds'' on line 22.

The CHAIRMAN. Would the gentlemen state the premise of his point of order? Does the gentleman raise a point of order that the provision supersedes existing law?

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

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

The Clerk will read.

The Clerk read as follows:

EMERGENCY FOOD AND SHELTER

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

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

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $120,000,000: *Provided,* That the Director of United States Citizenship and Immigration Services shall submit to the Committee on Appropriations of the House of Representatives a report on its information technology transformation efforts and how these efforts align with the enterprise architecture standards of the Department of Homeland Security within 90 days of enactment of this Act.

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; 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; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That in fiscal year 2006 and thereafter, the Center is authorized to assess pecuniary liability against Center employees and students for losses or destruction of government property due to gross negligence or willful misconduct and to set off any resulting debts due the United States by Center employees and students, without their consent, against current payments due the employees and students for their services.

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, $64,743,000, to remain available until expended: *Provided,* That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

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

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $663,240,000, to remain available until September 30, 2007.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $81,399,000: *Provided,* That not to exceed $3,000 shall be for official reception and representation expenses.

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

Mr. Chairman, I would like to engage the gentleman from Kentucky in a colloquy regarding critical funding that still must be realized in this bill.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from California.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky (Mr. ROGERS) for all his great work on this very difficult bill. We know that homeland security is an issue that is at the forefront of all Americans' minds with a lot of competing priorities. I know the gentleman from Kentucky (Mr. ROGERS) has worked hard to accommodate all of these competing programs. We appreciate that he still has a lot of

work to do, and we appreciate all the great work he did in the past in building that border fence that is presently in the number one smugglers corridor in America between California and Mexico.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I would like to commend the gentleman from Kentucky for the funding that is already in this bill that gets us to 1,500 agents, which he just described, and I am very pleased to hear that he is going to work with us to get to the 2,000 Border Patrol agents.

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

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

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

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

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,258,597,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $23,000,000 is available to find an alternative site for the National Bio and Agrodefense Laboratory and other pre-construction activities to establish research labs to protect animal and public health from high consequence animal and zoonotic diseases, in support of the requirements of Homeland Security Presidential Directives 9 and 10: *Provided further*, That of the total amount provided under this heading, $10,000,000 shall be used to enhance activities toward implementation of section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193).

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

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

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

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

The global black market has been flooded with hundreds of thousands of these weapons that are now in the possession of 27 separate terrorist groups around the world. Al Qaeda used them in 2002 to attack an Israeli airliner in Kenya, and terrorists in Iraq came close to shooting down a DHL freight plane leaving Baghdad in 2003. According to the FBI, more than 500 civilians worldwide have been killed in successful missile attacks against commercial aircraft. The State Department has stated that one of the leading causes of loss of human life in aviation has been from shoulder-launched attacks.

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

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

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

Mr. Chairman, the President, the DHS, and the State Department all agree that this is important research with important ramifications. I urge my colleagues to support the President's full request for funding of this research and to work together with all of our colleagues in moving beyond the pilot phase to fully protecting our airlines and their passengers from anti-aircraft missiles.

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

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

□ 1530

I know border protection is a very popular agenda item on the populace front, but I think folks send us to Congress not only to protect our borders and deal with the populace issues in putting resources where public opinion and popular opinion would have those dollars, but also to look at the risks and the threat. Today, we face the threat of someone walking through 1950 metal detector technology at our airports which we see across the country, metal detectors, and strapping explosives to their body and not being able to detect explosives. That is our number one threat right now is suicide bombers. In my opinion, the second greatest threat is a shoulder-launched missile.

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

Sometimes the administration, that is my administration, has not done everything right, but this is one of the few programs I may say in homeland security that was well thought-out, well-developed, and now the next part is deploying that technology. If, in fact, there is money left over and it is not expended in the program, and that would be my hope, I would support every additional dollar to go towards those priorities this subcommittee has developed for securing our borders.

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

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

The Clerk read as follows:

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

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, 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 the House or Senate Committees on Appropriations for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

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

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided,* That any transfer under this subsection shall be treated as a reprogramming of funds under subsection (b) of this section 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) The Department shall submit all notifications pursuant to subsections (a), (b), and (c) of this section no later than June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, 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. 505. 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 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

SEC. 506. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000 unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and House of Representatives at least 3 full business days in advance: *Provided,* That no notification shall involve funds that are not available for obligation.

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 which cannot be accommodated in existing Center facilities.

SEC. 509. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and/or advanced law enforcement training at all four training facilities under FLETC's control to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. Funding for the Transportation Security Administration's Office of Transportation Security Support, Office of the Administrator, shall be reduced by $100,000 per day for each day after enactment of this Act that the second proviso of section 513 of Public Law 108–334 has not been implemented.

SEC. 513. The Commandant of the Coast Guard shall provide to the Committee on Appropriations of the House of Representatives each year, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

SEC. 514. Notwithstanding section 3302 of title 31, United States Code, beginning in fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 515. Beginning in fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 516. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, the Bureau of Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided,* That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section.

SEC. 517. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 518. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office (GAO) reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 have been successfully met.

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

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

(d) None of the funds provided in this or any previous appropriations Act may be utilized to develop or test algorithms assigning risk to passengers whose names are not on government watch lists.

(e) None of the funds provided in this appropriations Act may be utilized for a database that is obtained from or remains under the control of a non-Federal entity.

SEC. 519. 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. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 521. None of the funds available in this Act or provided hereafter shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 522. The Secretary of Homeland Security shall develop screening standards and protocols to more thoroughly screen all types of air cargo on passenger and cargo aircraft by March 1, 2006: *Provided,* That these screening standards and protocols shall be developed in consultation with the industry stakeholders: *Provided further,* That these screening standards and protocols shall be developed in conjunction with the research and development of technologies that will permit screening of all high-risk air cargo: *Provided further,* That of the amounts appropriated in this Act for the ''Office of the Secretary and Executive Management'', $10,000,000 shall not be available for obligation until new air cargo screening standards and protocols are implemented.

SEC. 523. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided,* That beginning with November 2005, TSA shall provide a monthly report to the Committee on Appropriations of the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month thereafter.

SEC. 524. The Secretary of Homeland Security shall implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport 90 days after enactment of this Act.

SEC. 525. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility: *Provided,* That no funding can be obligated for the next phase of production until the Committee on Appropriations of the House of Representatives has been fully briefed on the results of the prototype phase and agrees that the program should move forward.

SEC. 526. (a) From the unexpended balances of the United States Coast Guard ''Acquisition, Construction and Improvements'' account specifically identified in statement of managers language for Integrated Deepwater System patrol boats 110- to 123-foot conversion in fiscal years 2004 and 2005, $83,999,942 are rescinded.

(b) For the necessary expenses of the United States Coast Guard for ''Acquisition, Construction and Improvements'', $83,999,942 is made available to procure new 110-foot patrol boats or for major maintenance availability for the current 110-foot patrol boat fleet: *Provided,* That such funds shall remain available until expended.

SEC. 527. The Secretary of Homeland Security shall utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program, the transportation worker identification credential program, and other applicable programs for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a central activation, revocation, and transaction hub for participating airports, ports, and other points of presence.

SEC. 528. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay or prohibit the transmission to Congress of, any report prepared pursuant to paragraph (5) of such section.

SEC. 529. No funding provided in this or previous appropriations Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) who has not received COTR training.

SEC. 530. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to the Transportation Security Administration in fiscal years 2002 and 2003, and to the Transportation Security Administration, ''Aviation Security'' and ''Administration'' in fiscal years 2004 and 2005, that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems.

SEC. 531. From the unobligated balances available in the ''Department of Homeland Security Working Capital Fund'' established by section 506 of Public Law 108–90, $7,000,000 are hereby rescinded.

SEC. 532. Notwithstanding any other provision of law, the Committee withholds from obligation $25,000,000 from the Directorate of Emergency Preparedness and Response, Administrative and Regional Operations, until the direction in the statement of managers accompanying Public Law 108–324 and House Report 108–541 is completed.

SEC. 533. None of the funds appropriated under this Act or any other Act shall be available for processing petitions under section 214(c) of the Immigration and Nationality Act relating to nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act until the authority provided in section 214(g)(5)(C) of such Act is being implemented such that, in any fiscal year in which the total number of aliens who are issued visas or otherwise provided nonimmigrant status subject to the numerical limitation under section 101(a)(15)(H)(i)(b) of such Act reaches the numerical limitation contained in section 214(g)(1)(A) of such Act,, up to 20,000 additional aliens who have earned a master's or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act.

SEC. 534. None of the funds provided in this Act shall be used to pay the salaries of more

than sixty Transportation Security Administration employees who have the authority to designate documents as Sensitive Security Information (SSI). In addition, $10,000,000 is not available for the Department-wide Office of Security until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) the titles of all documents currently designated as SSI; (2) Department-wide policies on SSI designation; (3) Department-wide SSI designation auditing policies and procedures; and (4) the total number of staff and offices authorized to designate SSI documents within the Department.

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

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

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

There was no objection.

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

If not, are there any amendments to this portion?

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDO:

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

SEC. 536. None of the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

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

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

Mr. TANCREDO. Mr. Chairman, my amendment would prevent State and local governments who refuse to share information with Federal immigration authorities from being able to obtain Federal funds under this act. These so-called ''sanctuary'' policies are not only misguided and dangerous; they are also illegal.

Section 642(a) of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 already makes it illegal for State and local governments to prevent their police from interrupting the free exchange of information between State and local police and Federal immigration enforcement authorities. Nonetheless, many local governments adopt policies that explicitly prevent their police officers from cooperating with Immigration and Customs Enforcement agents.

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

Earlier this month in Colorado, for example, one Denver policeman was killed and another severely wounded by an illegal alien who had come into contact with police in Denver at least three times prior to the incident. He remains at large today.

Another illegal alien in the Denver area who is now awaiting trial for a hit-and-run killing of a man, and he had been arrested, by the way, six times since 1996 and even spent time in jail in Boulder, Colorado, a sanctuary city, by the way; yet, because cooperation between police departments and Immigration and Customs Enforcement was restricted, he was never reported. He goes on trial in July.

The city of Denver, like many other cities, has a sanctuary policy that violates Federal law. Their police manual explicitly prohibits officers from initiating actions whose objective is to ''discover the immigration status of a person.'' The manual also prohibits police from detaining or taking any enforcement action against a person ''solely because he or she is suspected of being an undocumented immigrant.''

These two components of city policy not only prohibit local police from communicating with immigration authorities as required by Federal law, the policy prohibits them from obtaining basic information that might be central to their investigation. The policy sends a clear message to local police when they encounter illegal aliens: don't ask, don't tell. That kind of policy violates both the letter and intent of the 1996 law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SABO. So they know today?

Mr. TANCREDO. Absolutely.

Mr. SABO. If any town is doing this?

Mr. TANCREDO. Yes, sir.

Mr. SABO. Is there some registry of that?

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

Mr. SABO. Mr. Chairman, I know they are not hidden, but somebody has to find out. I have no idea how many endless grants they are making. The departments make an endless number of grants, and some of them flow to the State which then flow to local governments. In other cases, some go directly to ports.

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

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

POINT OF ORDER

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

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

Mr. SABO. Mr. Chairman, I think, clearly, as the author of the amendment says, he clearly is legislating on an appropriations bill and, therefore, violating clause 2 of rule XI. By his most recent statement, he is expanding penalties for the existing law.

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

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

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

The Chair is prepared to rule.

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

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

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

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

There was no objection.

□ 1545

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

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

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

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

I ask—who benefits from such a system? Does such a system mean safer streets? No. As the son of a New York City police officer, I am very aware of the importance of trust between local police and the communities they serve. If an immigrant fears talking to police—there will be fewer reported crimes, fewer witnesses offering information, and more dangerous streets for all of us. Does this amendment mean better national security? No. Under this amendment, foreign nationals who might otherwise be helpful to security investigations will only be more reluctant to come forward. Does this amendment mean better communication between localities, states, and the Department of Homeland Security? No. Cities with these quote-unquote "sanctuary policies" are already often the ones who communicate with DHS most regularly—to deal with foreign nationals who have committed crimes.

Does this amendment mean crime victims will be better protected? Sadly, no. Crime victims who unfortunately happen to be immigrants will fear their immigration status might be called into question, and will avoid stepping forward to seek justice. So who benefits from this amendment? People who don't like immigrants and people who mean our country serious harm. Instead of working to support the efforts of state and local police. Instead of working to make reasonable improvements to our immigration system. Instead of state and local governments being able to decide which policies allow them to best "serve and protect" their communities. Instead—we get an amendment that pushes people further underground, leaving our cities even more vulnerable to terrorist threats. If some are interested in scapegoating hard-working immigrants across the US who contribute to our country, schools, cities, and tax base every day—then at the very least we should avoid jeopardizing our homeland security in the process. A "yes" vote on this amendment is a vote for Osama bin Laden; a "no" vote is a vote for America.

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

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

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

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

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

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 Offered by Mr. TOM DAVIS of Virginia:

At the end of section 516, add the following:

Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

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

This backlog is the result of poorly designed management structures and a lack of clearance reciprocity. As a result the Committee on Government Reform, which I chair, held a hearing, and we authored legislation that was included in the 9/11 Act to address the structural problems that plague the security clearance system throughout the government.

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

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

The 9/11 Act reforms addressed the managerial chaos that has plagued security clearance policy by creating a new oversight authority for all Federal security clearance policy. Although this new oversight entity will likely grant a number of agencies the authority to continue to conduct their own investigations, it will also be responsible for developing and enforcing consistent standards for investigations across government. We need to give it a chance to do that.

Under this amendment, the Congressionally mandated oversight authority will be responsible for ensuring that investigations for DHS security clearances are done in the most timely and efficient manner once the 9/11 Act reforms take effect, once they take effect. This will keep us on the path to security clearance process reform for all agencies and safeguard both national security and the pocketbooks of the American taxpayer.

I would ask all Members to support this amendment.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, before the gentleman from Virginia yields back, let me say that the

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

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

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

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

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

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

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

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

The amendment was agreed to.

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

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

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

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

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I want to commend the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation, for his valued work in this and many, many areas. We agree on 99 percent of the things that we work on. This is one of them. That is the opening of Reagan Airport to limited general aviation aircraft, as you and I both have for the last 3 years been talking with the Department and other agencies downtown about the need to reopen that airport, at least on a limited basis to general aviation aircraft, and they keep promising a plan, a plan, a plan, and it has been 3 years. And, you know, we won World War II in 4 years, and we can't even think about reopening an airport here in these 3 years.

So it is time to do something, and so in our bill, Mr. Chairman, we direct the Department to bring a plan forward and reopen that airport in 90 days after enactment of this act. And I know that is authorizing language. But I appreciate the gentleman who has jurisdiction over this issue letting us do this at this point in time, because I think he and I share the same view.

We may not be able to pass an authorization bill during the year, so this is sort of a backup procedure. And if you pass an authorization bill dealing with the subject, we will happily stand back and take second fiddle.

Mr. MICA. I thank the gentleman, and in spite of the incident that we had last week, and that was not a planned scheduled arrival, it was a departure from what we are talking about and properly opening National Airport to general aviation, I think, again working together, that we can find a plan that will work and not let the terrorists intimidate us in operating our Nation's capital airport.

Thank you.

Mr. ROGERS of Kentucky. I think probably what the gentleman and myself have been talking about is a plan that reopens that airport at least to charter aircraft who would undergo the same security rigmarole that commercial airliners do today: Background check of the crew and passengers, background check of the owner of the plane, searching passengers' baggage as we do commercial passengers, the same rigmarole that we go on through on commercial passengers today on commercial craft.

Is that the gentleman's understanding?

Mr. MICA. Except for too much rigmarole, I think that we are on the same page. Again I thank you for your cooperation and your leadership, and together I think we will have a chance to open with a sensible, safe, secure plan to general aviation our Nation's capital airport.

AMENDMENT NO. 10 OFFERED BY MR. POE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. POE:

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

SEC. 509. None of the funds made available under this Act may be used to carry out section 105(a)(4) and (5) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 44917(a)(4) and (5)).

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

Currently taxes and fees comprise 26 percent of an average $200 airplane ticket. While the Federal Government has taken over much of the security for airlines after the terrorist attacks of September 11, airlines are still paying $777 million annually out of their own pocket for unfunded Federal security mandates, such as catering security, security for checkpoints and exit lanes, and first flight cabin sweeps.

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

Under current law, Federal air marshals are permitted to fly without a cost to the Federal Government or the marshal. Air marshals fly to better protect the cockpit. The Air Transport Association estimates the airlines are losing $195 million a year in opportunity costs by losing these seats.

Continental Airlines, for example, the carrier based out of Houston, Texas, part of which is in my Congressional district, loses between $7 and $9 million in displaced revenue annually. This estimate reflects losses not from being able to sell the Federal air marshal's seat at full fare. Moreover, Continental will pay the Department of Homeland Security $239 million in taxes in 2005 and is currently paying another $312 million in unfunded security mandates.

So my amendment would simply prohibit funds being spent in the bill to support this unfunded Federal security mandate that allows the Federal Air Marshal Service to fly for free. The Federal Government has deemed aviation security a national security issue, as it is. It is only fair that the government fully assume these costs, and not saddle them on the airlines.

In fact, at least two laws signed in the past two sessions have provisions that support Congressional intent for the Federal Government to reasonably pay for aviation security costs. Both the Aviation and Transportation Security Act and Vision 100, the Century of Aviation Reauthorization Act, authorized funds for reimbursement of airport security mandates.

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

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

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

□ 1600

We want to keep the airlines flying and help them before they are in a situation of bankruptcy.

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

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

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

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

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

Now, they come and say, oh, but you have got to pay a first-class fee for this air marshal, protecting your plane, to fly on your plane? Give me a break.

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

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

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

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

I recall where many speeches on the new Transportation Security Agency was it was going to be fully paid for. I think over half of the money comes from general revenue today.

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

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

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

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

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

So I would beg to differ with the gentleman's amendment because I stand in support of the air marshals, and I would hope that there could be some response to the cost, some way of adding or eliminating the burden that our airlines face; but I could not imagine us suffering the loss of these air marshals which we determined were important to us after 9/11. Even though we have given enhanced equipment on airlines, more training to pilots, we are attempting to train our airlines or flight stewards, and we are doing a better job, though it is not a requirement. I believe airlines are doing a better job of informing and training their flight stewards and flight attendants, but I still believe that our flights are better and safer for marshals' existence.

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

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

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

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

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

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

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

So, again, I think we have gone over backwards. We spent $5 billion we appropriated for reimbursements for damages directly related to the events of September 11 to our major airlines. We gave them another $3 billion. Some of that they deserve; some of that they did not deserve in reimbursement. Then we set up a $10 billion loan guarantee fund, of which they only used about $2 billion; but we have done everything, and now they refuse to do anything to help us.

They cannot even collect an additional fee. They are collecting $2.50. I said if we put in a high-tech system, that would double the security fee but get rid of half of the screeners in 3 years, and allow them to keep all $300 million they are now paying and up to a half a billion dollars. They cannot even do the math to keep that money. So I will be darned if I will get up and support giving them one more penny when they will not pay their own fair share.

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

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

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

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

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

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

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

The Clerk read as follows:

Amendment offered by Mr. MEEKS of New York:

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

SEC. 536. None of the funds appropriated or otherwise made available in this Act may be used to close any detention facility operated by or on behalf of U.S. Immigration and Customs Enforcement that has been operational in 2005.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 10 minutes equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

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

I rise today to urge my colleagues to adopt this amendment, which I hope will cease the recent actions of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement to begin closing the only secure detention center in New York City for noncriminal foreign nationals who enter our country illegally.

Closing this facility and releasing these individuals into the streets, as ICE is beginning to do, without conducting a proper screening, endangers the safety and security of New York City. The Queens detention facility has been utilized by ICE and its predecessor, INS, since 1989. Located within 4 miles of John F. Kennedy International Airport, the facility houses and processes detainees until their status can be determined. ICE oftentimes cannot properly classify a person as ''high risk'' or ''low risk'' at the initial questioning at John F. Kennedy Airport. Only after an investigation, while the individual is detained, can ICE determine whether the individual poses a threat. If it is determined that the entrant has criminal intent, they are transferred to a more secure facility for follow-up.

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

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

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

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

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

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

This amendment unnecessarily limits ICE's ability to efficiently manage the limited detention bed space that it has. The fluid nature of enforcement actions by ICE and changing migration patterns around the country mean that demands for detention space across the country changes from day to day, week to week, month to month, year to year.

This bill stresses efficiency and maximizing our limited resources. This amendment would prevent ICE from closing inefficient or unneeded facilities.

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

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

So I would urge that we defeat the amendment.

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

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

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

So when we have a facility like the facility that is currently in the district, to close it without any rationale or reason, then I think that we are defeating ourselves and defeating the security that is necessary to prevent people who enter this country illegally, some who could be very dangerous, from just walking the streets of the City of New York.

□ 1615

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

The Acting CHAIRMAN (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

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

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

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

AMENDMENT OFFERED BY MR. TIAHRT

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

The Clerk read as follows:

Amendment offered by Mr. TIAHRT:

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

SEC. 536. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

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

Mr. TIAHRT. Mr. Chairman, I believe that the content of this amendment

should be a part of the debate that we are having on every agency that we are going to fund this year through the Federal budget. Over the last generation, this government has made this country less and less competitive through the regulatory process.

If you look to last year, last year we had a $670 billion trade deficit. Our Federal budget deficit grew and we saw a lot of outsourcing of jobs. Well, if you combine that with what we are seeing happen across the world, pointed out by Thomas Friedman in his book ''The World is Flat,'' China is graduating 350,000 engineers every year. India is graduating 80,000 software engineers. They are attempting to create an Asian Union, which would be an economy of about 3 billion people.

The world is becoming more and more competitive, and part of the reason that we are becoming less and less competitive, part of the reason why we are seeing this trade deficit is because of our regulatory process. But it just does not stop there. We also have problems with litigation, and we need to reform our system because right now the lawsuits are driving up the cost of American products. A good example of how this could change is when common sense limits are put on litigation, such as the statute of repose, where the aircraft industry accepted through the legislation common sense limits on liability and 4,000 jobs were created the very next year. We could apply that to other industries.

Our health care system needs to be reformed. Today, in Kansas, for every hour of health care it takes an hour to comply with regulations, actually, more than an hour, 1.1 hours, on average, of regulatory compliance.

We need to reform our tax policy, our education policy, and our trade policy. We need to have research and development enhancements and we need regulatory reform. Regulatory reform can be a biting part of our government that can stop and stall the economic progress.

If you look at the current regulatory burden on businesses today, about 12 percent of the cost of any product is buried in complying with regulations. If we could cut that in half, we would be at least 5 to 6 percent more competitive worldwide.

So if we are going to find solutions to balancing our trade deficit, to balancing our Federal budget, and to start bringing jobs into America instead of seeing them outsourced out of America, we need to look at every agency and not promulgate regulations that conflict with the competitiveness of American businesses.

Mr. Chairman, I would like to see if the chairman of the Homeland Security Subcommittee thinks we could work together to see that we do not get regulations that would be overly burdensome on American businesses through the Department of Homeland Security. Does the gentleman think he could help me with that task?

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

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

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

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

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

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

There was no objection.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 10 OFFERED BY MR. POE

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

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

There was no objection.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

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

(1) ''Customs and Border Protection—Salaries and Expenses'', $95,000,000.

(2) ''Customs and Border Protection—Construction'', $25,000,000.

(3) ''Immigration and Customs Enforcement—Salaries and Expenses'', $266,000,000.

(4) ''Federal Law Enforcement Training Center—Salaries and Expenses'', $9,000,000.

(5) ''Federal Law Enforcement Training Center—Acquisitions, Construction, Improvements, and Related Expenses'', $5,000,000.

(b) For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109–13, div. B) to assist States in conforming with minimum drivers' license standards, there is hereby appropriated $100,000,000.

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

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

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

There was no objection.

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

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

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

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

Finally, we would fund the grant program that is authorized by the REAL ID Act, which the Congress attached a couple of weeks ago. I did not support that act. I did not vote for it. It was attached as a nongermane amendment to the appropriations bill. But we are told by the Congressional Budget Office it will cost about $100 million to implement. We are told by the Council of State Legislative Leaders it will cost $500 million to implement. That is a huge mandate however you slice it that we are laying on the backs of State budgets.

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

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

the amendment, assuming that no one decides to lodge a point of order against the amendment.

POINT OF ORDER

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

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

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

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

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

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

SEC. ____. For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Pub. L. 109–13, div. B) to assist States in conforming with minimum drivers' license standards there is hereby appropriated; and the amounts otherwise provided by this Act for ''Office of the Secretary and Executive Management'' , ''Office of the Under Secretary for Management'', ''Office of the Under Secretary for Border and Transportation Security—Salaries and Expenses'', ''Information Analysis and Infrastructure Protection—Management and Administration'', and ''Science and Technology—Research, Development, Acquisition and Operations'', are hereby reduced by; $100,000,000, $20,000,000, $20,000,000, $2,000,000, $8,000,000, and $50,000,000, respectively.

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

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

There was no objection.

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

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

There was no objection.

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

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

Just 2 weeks ago, this House passed a nongermane proposal which established an elaborate and convoluted and Rube Goldberg process by which every American will have to obtain their driver's license in the future. It is going to require added security arrangements for every office that issues State driver's licenses if those licenses are going to be allowed to serve as an ID card when climbing on an airplane. It provides substantial additional duties which will be imposed on States and be imposed on the Department of Homeland Security itself.

Now, I do not know whose cost estimate is correct. I do not know whether the Congressional Budget Office is correct when it says that this will only be an unfunded mandate of $100 million or whether the National Conference of State Legislative Leaders is correct when they say that the unfunded mandate will amount to about $500 million in cost. But for the moment, in deference to my conservative friends on the other side of the aisle, I am assuming the conservative estimate of cost is the accurate one, the one laid out by the Congressional Budget Office.

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

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

□ 1630

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

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

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

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

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

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

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

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

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

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

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

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

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

War II, science can profoundly influence the outcome.

There is reason to believe that homeland security science can have a similar success on the war on terror. We cannot cut the Office of the Secretary. It is a tempting target, but it has already been hit by everybody in the room. Their office is only $133-plus million, and significant reductions will negatively affect their operations. The office is largely salaries and expenses, and cuts will result in fewer people attempting to deal with an increasing workload. Fewer people means DHS will have less time to respond to Congressional inquiries, for example.

We have been critical of the office, but it is this office that will ultimately make the changes needed to make the Department work. They are working on the new Secretary's second-stage review even as we speak. So I hope we would not accept this amendment for the reason that we do not know how much money we need to run this program this year. We will find out as time goes by during the year. We can put money in the conference at the end of the year as necessary. So let us not jump off the cliff until we get to it.

Number two, this amendment would devastate the Department's operations because it goes right to the heart of what they are doing. I urge the defeat of the amendment.

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

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Let me get this straight. Two weeks after the majority party imposed this huge new unfunded mandate and required that it be attached to the defense appropriations supplemental to pay for the war in Iraq, we are now told by the majority, gee, we do not have any idea what this is going to cost. You mean you imposed a mandate without having any idea what it was going to cost?

If we follow the logic of what the gentleman is saying, we will say to the States, Congress had no idea what it was doing and so you are going to pay the bill. That is what the gentleman has just said. I find that mighty peculiar.

I urge an ''aye'' vote on this amendment. I want to make clear I did not vote for REAL ID. I think it is a cockamamie idea, but it is now the law of the land; and the question is, is the Federal Government going to pay for what it mandated, or is it going to stick the cost on the backs of local and State governments? I hope it is not the latter.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I thank the ranking member for yielding me this time.

First, let me ask the gentleman a question: Is not a significant amount of the money that the gentleman is reducing consultant money?

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

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

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

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

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

Sort of a repetition again in miniature scale of what we did in No Child Left Behind. I think that is a law which is fraught with troubles throughout the country. This is much smaller in scale, but we are repeating the same thing that we did in that law. I think it is a mistake. I think it is going to complicate life immensely for all of our citizens as they go about the process of moving around this country and getting new driver's licenses.

But at a minimum, we should be doing a significant part of the funding to make sure we do not adversely impact all of the States by this wisdom that we are sending down from Washington.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

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

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

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

The gentleman is right in the respect at some point in time we are going to have to pay the bill. At this point in time, we have not received a bill. We have no idea what the bill is going to be. We get different estimates. Different people have different ideas, but there has been no consensus reached on how much money is needed and to whom.

I assure Members in the due course of time when that information comes to us, monies will be made available to pay for this program in due course of time without hampering the agency, as this amendment would do. I urge a ''no'' vote on the Obey amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to patrol the border of the United States except as authorized by law.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment simply, as stated, eliminates the opportunity for any resources to be utilized to patrol the border of the United States except as authorized by law.

I spoke earlier today on the floor of the House about the frustration Americans have with respect to the influx of illegal immigrants and immigration and, of course, I also offered to my colleagues that we must solve this problem in a bipartisan manner.

In respecting that frustration, I am respectful of those who have taken up their own causes. One group happens to be the Minutemen.

□ 1645

The Minuteman group has utilized their resources in Arizona and expect to move their operations to Texas, New Mexico and California. I would argue vigorously that these kinds of efforts can make a very difficult and unsuitable atmosphere for the border.

Let me cite for you one of the individuals that is responsible for the organization Minutemen speaking about the issues, for example, in Texas:

If the Minutemen were to come to Texas, there are serious logistical problems for patrols in Texas. Most of the

land along the Texas border is privately owned and some of it is urbanized, unlike the open land the group monitored in Arizona. And the same reports of drug violence that have scared some tourists away from the south Texas region have become a concern for the Minutemen. ''The Texas border is pretty dangerous right now,'' Chris Simcox said, who heads the Minutemen. ''That won't scare the Arizona-based citizen patrols away,'' he said, ''but it does mean they will be more careful in planning their operations. Security becomes a serious issue because we are going to be annoying a lot of people.''

This amendment is simple. What it says is that we have to protect the Federal officers and other law enforcement officers that are entrusted with the responsibility of immigration control in the United States of America. That protection cannot give them the extra added burden using resources to try to protect those who are acting in an unauthorized way. This specifically states that we would not allow such funds to be used in an unauthorized way.

Mr. Chairman, this proposal seeks to prevent the funding of increased liability for the Federal Government, to prevent the incidental injuring or killing of aliens, citizens, or volunteers, to prevent the creation of a sad precedent of shirked Federal responsibility. The purpose of the Jackson-Lee amendment is to control these issues before they become problems. Last Sunday, May 15, 2005, I put the people of the Eighteenth Congressional District and of the State of Texas on notice that the ''Minuteman Project'' has proposed to enter our borders in order to monitor for illegal border crossings.

I was joined on Sunday by Ms. Mabel Rogers, who is the President of the American Federation of Government Employees, AFGE, Local No. 3332 for coming out to share her expertise in the area of border security and the issues that can arise if groups such as the Minutemen attempt to enforce immigration law.

In addition, I was joined by Ms. Adriana Fernandez, who leads the Association for Residency and Citizenship of America, ARCA, right here in the Eighteenth Congressional District of Houston, Texas for her time, efforts, and more so for the passion that she exhibited in bringing her colleagues to share their concerns in this matter.

The Minuteman Project has good intentions, but we object to the potential negative social, legal, and economic impact that it can have on the Texas borders.

The problem of porousness of the borders is a Federal Government problem. It is a Department of Homeland Security, DHS, problem. DHS has legal jurisdiction over the borders; therefore, it is DHS that must address our border security needs.

An unofficial, untrained, and uncontrolled militia is the wrong answer for a problem that is within the Federal Government's responsibility. If the job is not being done sufficiently, we must look to Congress and the executive branch to exercise oversight and to improve performance.

The Minuteman Project is headed for the Texas borders, and their presence will be the recipe for danger, conflict, and increased legal enforcement costs for the Federal Government. The Houston Chronicle reported on May 12 that the controversial group that began as a month-long engagement along the Arizona border plans to enter Texas to operate its hunt for illegal border crossings.

Other media and eyewitnesses have suggested that many of the participants in the Minuteman Project have carried firearms, incited retaliatory measures by gang members, incited more groups to organize in a similar fashion along other American borders, and created a situation that suggests potential constraints on the individual civil rights of undocumented persons.

The arrival of this group to Texas is an example of what I feared during its initial engagement during the month of April—propagation in other borders. Empowerment of unofficial, untrained militia to carry out the functions of the Federal Government instead of simply improving the staffing situation at the Customs and Border Patrol and the Immigration, Customs, and Enforcement Agencies is a dereliction of duty and a condoning of potential vigilantism. I urge the Governor of Texas to disinvite the Minuteman Project to the U.S.-Mexico border of Texas.

Several differences between the U.S.-Mexico border of Arizona and Texas make it potentially injurious for the arrival of the Minutemen. The traffic growth in Texas would dramatically increase the probability of injury or death of aliens or other innocent civilians.

In 2001, U.S. Customs inspectors logged 3,133,619 cargo trucks as they entered Texas border towns from Brownsville to El Paso, up from 1,897,888 commercial vehicles in fiscal year 1995, the year NAFTA took effect. Furthermore, the topography at the Texas borders is more dense and provides more places for people involved in violent disputes to hide. In addition, even as the leader of the Minuteman Project stated to the Houston Chronicle, 'there are serious logistical problems for patrols in Texas. Most of the land along the Texas border is privately owned, and some of it is urbanized, unlike the open land the group monitored in Arizona.'

What we need instead of a situation of potential violence, violation of civil rights, and costs associated with restoring peace and security at the borders is a comprehensive immigration plan like I proposed with the introduction of my legislation, the 'Save America Comprehensive Immigration Act, H.R. 2092.'

As a member of the House Committees on the Judiciary and on Homeland Security, I had the opportunity to actively participate in a markup hearing for the ''Homeland Security Authorization Act for FY 2006, H.R. 1817.''

In the context of an amendment that I offered that called for studies and analysis of the issue of border violence, I was able to obtain a commitment from the chairman of the Homeland Security Committee to join me and the ranking member in a bipartisan letter to the Department of Homeland Security to direct it to gather information and to identify the problems surrounding the contention reported at the locations patrolled by volunteers.

Effective, efficient, and safe border security requires properly trained personnel. We need to improve our Customs and Border Patrol and Immigration and Customs Enforcement agencies rather than empower militias to do their job. The enforcement job requires accountability, training in the area of human rights, language skills, non-violent restraint techniques, and weapons handling.

The legal accountability principles such as respondeat superior and vicarious liability do not clearly apply to the Minutemen for injuries or damage that may be sustained by the private properties that abut the Texas borders; the heavy stream of commerce constantly traversing the border; or innocent bystanders who may be in the wrong place at the wrong time.

Mr. Chairman, the Jackson-Lee amendment seeks to prevent liability "powder kegs" from propagating nationally. I ask that my colleagues support the amendment.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I am prepared to accept the amendment if we can go ahead and conclude it at this moment.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman. I am willing to accept the chairman's acceptance.

Let me just say, Mr. Chairman, that this amendment speaks to the whole question of protecting our borders in an authorized manner. There seems to be an effort to do it in an unauthorized manner, and I desire to protect those who need protecting. I would ask my colleagues to support this amendment and, as well, I do want to acknowledge that the work that we have done with staff, I want to appreciate it and I hope the Members will consult with their staff on amendments when Members do consult with the Members' staff and that their amendments are in order.

With that, I ask my colleagues to support this amendment.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2006''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 14 offered by the gentleman from New Jersey (Mr. MENENDEZ), Amendment No. 1 offered by the gentleman from Colorado (Mr. TANCREDO), the amendment offered by the gentleman from New York (Mr. MEEKS), and the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. MENENDEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 176]

AYES—225

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gilchrest
Gingrey
Gonzalez
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wilson (NM)
Woolsey
Wu
Wynn

NOES—198

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gohmert
Goode
Goodlatte
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—10

Ackerman
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Miller (FL)
Payne
Wexler
Young (FL)

□ 1713

Ms. FOXX, and Messrs. HOBSON, NEUGEBAUER, MORAN of Virginia, NUSSLE, Mrs. JOHNSON of Connecticut, Mr. THOMAS, and Mr. GOHMERT changed their vote from ''aye'' to ''no.''

Ms. PELOSI, and Messrs. GREEN of Wisconsin, WELLER, GUTIERREZ, GILCHREST, SCHWARZ of Michigan, RAMSTAD, and Mrs. JONES of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

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

[Roll No. 177]

AYES—165

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Chabot
Coble
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Flake
Foley
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kline
Kolbe
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—258

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings

Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Ackerman
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Miller (FL)
Payne
Wexler
Young (FL)

□ 1723

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 11, as follows:

[Roll No. 178]

AYES—199

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Linder
Lipinski
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Slaughter
Smith (WA)
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Grijalva
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McKinney
McMorris
Mica
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schwarz (MI)
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Solis
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—11

Ackerman
Bonilla
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Miller (FL)
Payne
Wexler
Young (FL)

□ 1732

Mr. SNYDER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Chairman, I would like to offer a personal explanation of the reason I missed rollcall votes Nos. 176–178 on May 17, 2005. These were votes on amendments to H.R. 2360 The Department of Homeland Security Appropriations bill for FY 06. due to personal circumstances I was detained until after these votes had concluded.

If present, I would have voted rollcall Vote No. 176, the Menendez Amendment ''no''; rollcall Vote No. 177, the Tancredo Amendment ''aye''; rollcall Vote No. 178, the Meeks (NY) Amendment, ''no.''

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on

which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 9, as follows:

[Roll No. 179]

AYES—226

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gillmor
Gohmert
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn
Young (AK)

NOES—198

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—9

Akin
Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Payne
Wexler
Young (FL)

□ 1741

Mr. BOEHLERT changed his vote from ''aye'' to ''no.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 278, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 8, as follows:

[Roll No. 180]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode

Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Brady (PA)
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Millender-McDonald
Payne
Smith (WA)
Wexler

□ 1805

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business in my district prevents me from being present for legislative business scheduled for today, Tuesday, May 17, 2005. Had I been present, I would have voted "no" on rollcall No. 174, on ordering the previous question; "no" on rollcall No. 175, H. Res. 278, a resolution providing a rule for the consideration of H.R. 2360, the Department of Homeland Security Appropriations Act for Fiscal Year 2006; "aye" on rollcall No. 176, an amendment offered by Rep. ROBERT MENENDEZ of New Jersey; "no" on rollcall No. 177, an amendment offered by Mr. TANCREDO of Colorado; "aye" on rollcall No. 178, an amendment offered by Mr. MEEKS of New York; "aye" on rollcall No. 179, an amendment offered by Mr. OBEY of Wisconsin; and "aye" on rollcall No. 180, final passage of H.R. 2360, The Department of Homeland Security Appropriations Act for Fiscal Year 2006.

PERSONAL EXPLANATION

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

Had I been present, I would have voted: "No" on rollcall vote No. 174 on Ordering the Previous Question on H. Res. 278, providing for consideration of H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; "No" on rollcall vote No. 175 on Agreeing to the Resolution as Amended on H. Res. 278, providing for consideration of H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; "aye" on rollcall vote No. 176 on an Amendment to H.R. 2360 to increase funding (by transfer) by $50 million to State and local governments for the defense of chemical plants by first responders; "No" on rollcall vote No. 177 on an Amendment to H.R. 2360 to prevent the use of funds in contravention of a provision in the illegal Immigration Reform and Immigrant Responsibility Act (PL 104–208) that prevents Federal, State or local government officials from prohibiting or restricting government agencies or officials from sending or receiving information to Federal immigration officials regarding an individual's immigration status; "aye" on rollcall vote No. 178 on an Amendment to H.R. 2360 to insert anew section at the end of the bill to prohibit the use of funds from being used to close any detention facility operated by or on behalf of U.S. Immigration and Customs Enforcement that has been operational in 2005; "aye" on rollcall vote No. 179 on an Amendment to H.R. 2360 to insert a new section at the end of the bill to direct the Secretary of Homeland Security to make grants to assist States in conforming with minimum drivers' license standards by appropriating $100,000,000. For taxpayers with adjusted gross income in excess of $1,000,000, the amount of tax reduction shall be reduced by 1.562 percent; and "aye" on rollcall vote No. 180 on final passage of H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

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

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

To the Congress of the United States:

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

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

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2005.*

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

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

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows: