Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—146

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Gohmert
Hastings (FL)
Kucinich
Lewis (CA)
Marino
Paul
Schmidt
Shuler
Slaughter

□ 1704

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 361, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mr. AKIN. Mr. Speaker, on rollcall No. 360 and 361, I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 360 and "aye" on rollcall No. 361.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5855 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except (1) pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; and (2) further amendments, if offered on this legislative day, as follows: an amendment by Mr. ADERHOLT regarding funding levels; an amendment en bloc by Mr. ADERHOLT consisting of amendments specified in this order not earlier disposed of; an amendment by Ms. BALDWIN limiting funds regarding Coast Guard Offshore Patrol Cutter class of ships; an amendment by Mr. BARLETTA regarding section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; an amendment by Mrs. BLACK limiting funds for the position of Public Advocate within U.S. Immigration and Customs Enforcement; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration employee training; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration teams used in any operation; an amendment by Mr. BROOKS regarding section 133.21(b)(1) of title 19, Code of Federal Regulations; an amendment by Mr. BROUN of Georgia limiting funds for Behavior Detection Officers or the SPOT program; an amendment by Mr. BROUN of Georgia regarding the Screening Partnership Program; an amendment by Ms. BROWN of Florida regarding funding levels for U.S. Customs and Border Protection; an amendment by Mr. CRAVAACK limiting funds for security screening personnel; an amendment by Mr. CRAVAACK limiting funds to pay rent for storage of screening equipment; an amendment by Mr. CRAVAACK regarding section 236(c) of the Immigration and Nationality Act; an amendment by Mr. CROWLEY regarding India; an amendment by Mr. CULBERSON regarding the Immigration and Nationality Act; an amendment by Mr. DAVIS of Illinois regarding cybersecurity; an amendment by Mr. ELLISON regarding the Civil Rights Act of 1964; an amendment by Mr. ENGEL regarding light duty vehicles; an amendment by Mr. FLORES regarding section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY limiting funds to restrict airline passengers from recording; an amendment by Mr. GARRETT limiting funds for VIPR teams; an amendment by Mr. GRAVES of Missouri regarding the rule entitled Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives; an amendment by Ms. HOCHUL regarding unclaimed clothing; an amendment by Mr. HOLT limiting funds for aerial vehicles; an amendment by Mr. HOLT regarding scanning systems; an amendment by Mr. KING of Iowa regarding Department of Homeland Security policy documents; an amendment by Mr. KING of Iowa regarding Executive Order 13166; an amendment by Mr. LANDRY regarding aerial vehicles; an amendment by Mr. LOEBSACK limiting funds to deny assistance obligated by FEMA; an amendment by Mr. MEEHAN regarding Boko Haram; an amendment by Ms. MOORE regarding a pending application for status under the Immigration and Nationality Act; an amendment by Mr. MURPHY of Pennsylvania regarding a Federal Air Marshal Service office; an amendment by Mr. PIERLUISI regarding section 1301(a) of title 31, United States Code; an amendment by Mr. POLIS regarding an across-the-board reduction; an amendment by Mr. PRICE of Georgia regarding immigration laws; an amendment by Mr. RYAN of Ohio regarding visas; an amendment by Mr. SCHWEIKERT regarding the Secure Communities program; an amendment by Mr. SULLIVAN regarding section 287(g) of the Immigration and Nationality Act; an amendment by Mr. THOMPSON of California regarding deportation of certain aliens; an amendment by Mr. TURNER of New York regarding surface transportation security inspectors; and an amendment by Mr. WALSH of Illinois regarding software licenses; and that each such further amendment may be offered only by the Member named in this request or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and that each further amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

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

Will the gentleman from New Hampshire (Mr. BASS) kindly resume the chair.

□ 1715

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 6, 2012, an amendment offered by the gentleman from New York (Mr. BISHOP) had been disposed of and the bill had been read through page 99, line 17.

Pursuant to the order of the House today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY MS. BROWN OF FLORIDA

Ms. BROWN of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Departmental Management and Operations—Departmental Operations—Office of the Secretary and Executive Management'', and increasing the amount made available for ''U.S. Customs and Border Protection—Salaries and Expenses'', by $28,400,000 and $25,000,000, respectively.

Mr. ADERHOLT. I reserve a point of order.

The Acting CHAIR. The point of order is reserved.

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

The Chair recognizes the gentlewoman from Florida.

Ms. BROWN of Florida. I'm going to offer and withdraw my amendment but would like to continue to work with the committee to ensure our busiest airports have the Customs and Border Protection personnel they need to operate efficiently.

It is clear from the amendment being offered and statements being made that we have a severe need for additional Customs and Border Protection officers at every point of entry into the United States. Airports across America are losing customers and alienating foreign visitors because of the lack of Customs and Border Protection officers and the major delays it causes. Many foreign tourists anxious to spend money in the U.S. are kept on the tarmac for hours waiting to get processed by Customs and Border Protection. This is unacceptable and is forcing tourists to travel to non-U.S. destinations. This is also causing significant economic harm to many of our country's busiest cities.

My home airport, Orlando International Airport, which is one of the busiest ones in the U.S. and the number one tourist destination, bringing tourists from all over the world to visit our amazing amusement parks, universities, and business centers, is a prime example of the problem.

Since 2009, Orlando International Airport traffic has grown by more than 17 percent without any increase in Customs and Border Protection personnel. The results are waiting times that exceed 2 and sometimes 3 hours. However, this does not take into account those all too frequent instances where passengers are required to remain onboard the arriving aircraft, parked on ramps for up to an additional hour because the lines in the Federal Inspection Station are too long to securely and efficiently process them.

President Obama recognized this fact when he traveled to central Florida to announce his Executive order directing the Department of Homeland Security and the Department of Commerce to develop and implement a plan within 60 days to increase nonimmigrant visa processing capacities in China and Brazil by 40 percent in the coming year. Clearly, increased visitation to the United States means jobs, yet without additional Customs and Border Protection resources, Orlando International Airport will not be able to help the President achieve this goal.

With just 15 new Customs and Border Protection agents, the airport could accommodate additional flights that would generate 2,000 jobs and generate revenues of $360 million a year. That is a great return on our investment and exactly the kind of shot in the arm that our region desperately needs.

I know we're not going to solve this problem today, but I want to encourage this committee and the Department of Homeland Security to make every effort to ensure that a simple lack of Customs and Border Protection personnel isn't costing thousands of jobs and millions in economic development.

I ask unanimous consent to withdraw the amendment, and I yield back the balance of my time.

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

There was no objection.

□ 1720

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

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

Mr. ADERHOLT. Mr. Chairman, I would yield to the gentleman from Nebraska (Mr. TERRY) to talk about an important cyber-critical infrastructure issue.

Mr. TERRY. Thank you, Mr. Chairman, for allowing me the opportunity to express my concerns with proposals that would allow the Department of Homeland Security to impose cybersecurity private infrastructure that it deems ''critical.''

The administration wants to expand DHS's role in designating private networks as critical infrastructure for the purpose of subjecting them to regulation, but it has yet to take care of its own networks. I commend Chairman ADERHOLT for including language in this bill that requires executive branch agencies to get their act together and formulate expenditure plans to protect their own networks. If they can't even secure Federal networks, why in the world would we want to give them authority to regulate private sector networks?

I understand that DHS currently works with the private sector on a voluntary basis, but that should be the extent of their involvement with critical infrastructure. As a member of the Speaker's Task Force on Cybersecurity, as well as the co-chairman of the Energy and Commerce Working Group on Cybersecurity, I have the very firm opinion that DHS simply should not be allowed to regulate cyber-critical infrastructure in the private sector.

I have great respect for the chairman. I will not be offering my amendment. I look forward to continuing to work with my colleagues on this issue, and again thank the chairman for his courtesy.

Mr. ADERHOLT. I thank the gentleman for his comments. I am also a member of the Speaker's Task Force on Cybersecurity, and I understand the concerns that the gentleman has expressed this afternoon.

As the gentleman noted, this bill focuses on Federal network security by addressing the failure of the administration to protect its own networks. Again, I want to thank the gentleman for his comments, and I would be happy to work with him to address his concerns.

I yield back the balance of my time.

The Acting CHAIR. Who seeks recognition?

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

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

Mr. ADERHOLT. I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. I want to thank the chairman and Ranking Member PRICE for their hard work in writing a bill that keeps American families safe and prioritizes border and immigration law enforcement in a very tough budget environment.

In this bill, the Federal Air Marshal Service is under particular pressure to reduce costs, and we all share the common goal of pursuing the most cost-efficient and mission-effective air marshals to protect our skies.

In my district, there are over 80 dedicated and professional air marshals at the Pittsburgh International Airport, which is one of the country's 50 busiest airports. We all know about the air marshals' hard work, training, and risk to keep us safe; but I'm concerned about the potential impact on air marshals' cost and the impact upon families if the Federal Air Marshal Service moves forward with a restructuring plan. That's why I was going to offer an amendment with Congressman ALTMIRE to ensure no decision is made impacting Pittsburgh's air marshal workforce without first conducting a cost-benefit analysis that explores all potential options.

I'm concerned if the Transportation Security Administration proceeds with

closing the Pittsburgh office, any potential for savings would be dwarfed by the hundreds of thousands of dollars spent to relocate employees and their families.

Currently, taxpayers and the TSA pay almost nothing in commuting costs because the Pittsburgh air marshal office is less than 2 miles from the Pittsburgh airport terminal. Since air marshals are doing most of their work on a plane, the office exists mostly as a place for employees to go and complete their paperwork. Forcing air marshals to travel between a new office potentially much further from the Pittsburgh airport would dramatically increase costs and travel time.

What's most important for purposes of cost and security is the proximity of the air marshal workforce to the airport. I have asked the Federal Air Marshal Service to review alternatives to closure or transfer of the Pittsburgh field office, including co-locating its office on the grounds of the 911th Airlift Wing, which is an Air Reserve military base, part of the Pittsburgh International Airport.

Moving to the 911th would save the Agency a significant amount of overhead and rent costs while preserving the Federal Air Marshal Service operational mission to keep the skies safe.

I've been assured by the director of the Federal Air Marshal Service that he will look into alternatives to save costs, and I would like to get the assurance from the chairman that he'll work with me on securing that report.

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

AMENDMENT OFFERED BY MR. ELLISON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available in this Act may be used in contravention of any of the following:

(1) The Fifth and Fourteenth Amendments to the Constitution of the United States.

(2) Title VI of the Civil Rights Act of 1964 (relating to nondiscrimination in federally assisted programs).

(3) Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to prohibition of discrimination).

(4) Section 210401(a) of the Violent Crime and Law Enforcement Act of 1994 (relating to unlawful police pattern or practice).

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

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, I have an amendment that I believe should enjoy bipartisan support on all sides. America being the land of the free, home of the brave, where liberty and justice for all is how we live. We recite those words every day when we come to the floor to say the Pledge of Allegiance.

This is simply an amendment which says in America, law enforcement will respect the individual dignity of each person and operate on the basis of what would indicate criminal behavior, not race, not national origin, not religion.

The leaders of four separate important caucuses in this Congress have come together and are in support. That includes the Congressional Progressive Caucus, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus, which have all come together to say this is an important thing for all of us to support.

Everyone here in this body appreciates the hard work of DHS employees and what they do on a daily basis to keep our country safe. We thank them and value the work that they do. And we appreciate all law enforcement, especially when they put their lives at risk for our safety. No one questions law enforcement in general. But you should know, and there is no doubt and there is ample evidence to demonstrate, that there have been occasions in which individual Americans have been singled out, and this is not what our Nation is about. It's not the policy that we should support; and, therefore, we should support an amendment which says that discrimination has no place in the administration of the law.

Occasionally, reports of racial, ethnic, and religious profiling do surface. We see them in the media and reports in the civil liberty unions. In fact, I have reports in my hand, Mr. Chairman, ''Immigration Enforcement: Minor Offenses With Major Consequences by the ACLU,'' and ''The Growing Human Rights Crisis,'' which details how people have been singled out based on impermissible criteria. And so it is important for us to affirm in America, after all we have gone through to create liberty and justice for all, that we've got to affirm this principle here today.

Too many Americans who were simply going about their business have been discriminated against based solely on race, ethnicity, and religion. It's wrong when it happens, all of us can agree. And it's not what our country is all about. This amendment I'm offering today simply says it's contrary to our values. Our amendment is straightforward. It simply cites the Constitution and existing anti-discrimination laws to affirm that no funds made available by this bill can be used to engage in racial, ethnic, or religious profiling.

□ 1730

This is not a controversial amendment. It affirms core American values hard fought for not only in the civil rights movement, but many others, even including the Civil War. Nor it is partisan. In fact, it was a former Bush administration official who said, ''Religious or ethnic or racial stereotyping is simply not good policing.'' So that's not coming from me. That's an official from the Bush administration, and I quite agree with what he said.

So I urge all my colleagues to stand with me and vote in favor of this important amendment.

I yield back the balance of my time.

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

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

Mr. ADERHOLT. We would be happy to accept the amendment from the gentleman from Minnesota.

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I want to second the chairman's willingness here to accept this amendment. We think it's a good amendment, straightforward, intended to achieve goals about which we all ought to be able to agree. It simply seeks to ensure that Federal funding for the Department of Homeland Security is not used by law enforcement to discriminate or to deprive individuals of their constitutional rights.

I commend the gentleman for offering this amendment and urge its acceptance.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives'' published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

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

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today to offer an amendment which would prohibit funds from being used to enforce a rule proposed by this administration.

Under current law, certain spouses, children, and parents of U.S. citizens who are in this country illegally are not eligible to apply for a green card without first leaving the United States. These immediate relatives must travel abroad to obtain a green card from the Department of State and must also request from the U.S. Citizenship and Immigration Services a

waiver to the 3-year or 10-year ban that they received as a result of their unlawful presence.

The DHS-proposed rule would allow illegals with U.S. citizen relatives to stay in the United States while the Federal Government decides on their waiver requests. Specifically, the rule allows illegals to apply for and receive a provisional waiver to the 3-year or 10-year ban they received. The rule would simply allow them to remain in the U.S. illegally.

I'm a strong proponent of enforcing our current immigration laws, and this proposed rule allows illegals to circumvent Federal statutes that govern admission. It makes it easier for illegals to stay in our country unlawfully.

The core impact of the proposed rule will be to encourage relatives of U.S. citizens to come to the U.S. illegally. All an illegal individual needs to do is apply for a provisional waiver from the 3-year or 10-year ban and then apply for a green card.

What's even worse is if the U.S. Citizenship and Immigration Services denies an application for a provisional waiver, ICE will not prosecute that illegal for being in the U.S. unlawfully. In fact, ICE announced in August 2011 that it would seek to dismiss the prosecution of cases of illegals who have applied for a green card.

My amendment is going to block this proposed rule, known as the Provisional Unlawful Presence Waiver. I think it's going to send a strong message to illegals that are in our country unlawfully, you're not going to receive any form of benefits or leniency from our government.

My amendment also sends a message to this administration to start enforcing our current immigration laws, to support all efforts to control and defend our borders, and to stop giving breaks to those who have come to this country illegally.

I urge my colleagues to support my amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would be happy to accept the gentleman's amendment.

Mr. GRAVES of Missouri. I reserve the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment, which would negate the recent rule that would grant certain immediate relatives of U.S. citizens to apply for a provisional unlawful presence waiver while still in the U.S.

Applications for the unlawful presence waiver can take months or even years to adjudicate. This change in processing, this new rule, would permit U.S. citizens to remain united with their loved ones and ensure that the U.S. citizen is not subjected to the very harm—that is, prolonged separation—that the waiver, if granted, was meant to prevent.

To be clear, a pending or approved provisional waiver will not provide the interim benefits, such as employment authorization, it will not provide lawful status, it will not stop the accrual of unlawful presence, it will not provide protection from removal.

What it would do is eliminate the catch-22 faced by many American families who want to do the right thing by having family members already eligible for the waiver come forward to adjust to legal status. Under the current process, they're penalized if they come forward, penalized by long-term separation from U.S. citizens who are immediate relatives and who depend on them for emotional and financial support.

By allowing the processing of waiver applications in the United States, the proposed rule would improve the efficiency of the process and would save taxpayer money. It's a much needed change. It's a good rule. This change in processing is vitally needed. I see no reason to approve an amendment here tonight that would cancel out this beneficial change, and I urge the amendment's defeat.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, it has come to my attention that my amendment has a typo in it. It reads 2102 as the date. I ask unanimous consent that that be changed to 2012.

The Acting CHAIR. Is there objection?

Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

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

SEC. ____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives'' published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

Mr. GRAVES of Missouri. Mr. Chairman, with that, I would urge my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Missouri (Mr. GRAVES).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used to issue an immigrant or nonimmigrant visa to a citizen, subject, national, or resident of Brazil until the President of the United States determines and certifies to the Congress that the Government of Brazil has amended its laws to remove the prohibition on extradition of nationals of Brazil to other countries, except that the President may waive the application of this section on a case-by-case basis if the President determines and certifies to the Congress that it is in the national interests of the United States to do so.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

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

The Chair recognizes the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I have a heart-wrenching story to share with the Congress and the American people, of which I would like this amendment to help take some action: the egregious 2007 case of a decorated airman's murder in my congressional district, the State of Ohio v. Claudia C. Hoerig.

□ 1740

According to the affidavit, Mrs. Hoerig, wife of the deceased, purchased a Smith & Wesson .357, learned how to use it, practiced in Warren, in Trumbull County, Ohio, and days later, on March 12, 2007, she allegedly shot her husband, Major Karl Hoerig, twice in the back of the neck and once in the back of the head.

After being charged with aggravated murder by the Court of Common Pleas of Trumbull County, Ohio, Mrs. Hoerig fled to her native Brazil, where she has found sanctuary for 5 years.

The issue here, Mr. Chairman, is that I have a family in my district that has not seen justice served. She went to Brazil, in which we have an extradition treaty, but the Brazilian Constitution says that Brazilian citizens can't come back to the United States. But the issue here is that in 1999 Mrs. Hoerig renounced her citizenship in Brazil, became a citizen of the United States of America. So we have every right to ask the Brazilians to send her back to the United States.

She needs to have justice served. The Hoerig family needs justice served, and Karl Hoerig deserves that as he rests in peace.

The Brazilian Government has, on numerous occasions, pledged to internally investigate this matter and investigate the possible renunciation of Mrs. Hoerig's citizenship on the following grounds: in that, in her sworn, signed affidavit, Mrs. Hoerig renounced her Brazilian citizenship on the occasion of her U.S. naturalization in 1999, and that the Brazilian Government has stated that it may, in fact, honor Hoerig's renunciation, given the serious criminal nature.

So this amendment, because I cannot seem to get the attention of the Brazilian officials, after numerous letters,

numerous attempts, working closely with the State Department, can't get the Brazilians' attention. So this amendment is saying that we shall not use money to let Brazilians into the United States and allow them visas.

1.8 million visas are predicted to Brazilians in 2013. And I hope that some of us on both sides of the aisle can say that this man served our country. We have a woman who renounced her Brazilian citizenship, came to the United States, killed this airman, and went back to Brazil and now is in sanctuary there.

So I understand there may be some issues with this potential amendment here, but I will say, Mr. Chairman, that there are defense bills that will come to this floor, and I will attempt in some way to get the Brazilians' attention with the defense bills. There is foreign ops money, foreign aid that we use with Brazil. I will come to this floor as many times as I need to to try to get the attention of the Brazilian Government to make sure that Karl Hoerig and his family have the justice that they have earned, not just by being citizens of the United States, but also by serving this country so nobly for so many years.

I yield back the balance of my time.

POINT OF ORDER

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

The rule states, in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment imposes additional duties.

I ask for a ruling of the chair.

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

Seeing none, the Chair is prepared to rule.

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

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

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Mr. Chairman, I'm here today to talk about my amendment that would prohibit funding for an ill-conceived lobbyist position at the Immigration and Customs Enforcement, or ICE.

The Obama administration announced on February 7 of this year that it would begin advocating on behalf of illegal aliens, illegal alien advocates and communities that harbor illegals.

When Congress established the Department of Homeland Security, it created an advocate position for immigrants in the legal immigration process, but it declined to create one for illegal immigrants. The President cannot continue to willfully ignore the laws and the intent of Congress.

Mr. Chairman, there are currently 10 million unauthorized aliens in this country, and in the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien population in their States. This has come to pass because of the Federal Government's failure to secure the borders and enforce our immigration laws.

Nevertheless, the administration has not only used taxpayer dollars to sue States for such laws, but now wants to use taxpayer dollars to act as a lobbyist for illegal aliens. My amendment would deny the Obama administration funding for the illegal alien advocate position at ICE.

Contrary to what the Obama administration seems to think, the Department of Homeland Security was not created to act as a lobbying firm for illegal aliens. Using taxpayer dollars to fund a position whose primary purpose is to advocate on behalf of individuals who have come into our country illegally is ridiculous and certainly a waste of precious taxpayer dollars.

The administration should be using this money instead for its intended purpose—to combat illegal immigrants.

Mr. ADERHOLT. Will the gentlewoman yield?

Mrs. BLACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. We believe this is duplicative, but we will accept the gentlelady from Tennessee's amendment. The position would be duplicative, but we do accept the gentlelady's amendment.

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

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. It would prohibit any funding for Immigration and Customs Enforcement's new Public Advocate, a crucial position formed just this past February.

The public advocate works directly with ICE's Executive Assistant Director of Enforcement and Removal Operations to respond to acute and pressing concerns from those going through the immigration process, as well as family members and advocates. For example, the public advocate assists individuals and community members in resolving complaints and concerns with agency policies and operations, particularly those that are related to the use of ICE enforcement involving U.S. citizens. It proposes changes and recommendations to fix community-identified immigration problems and concerns. Without the public advocate, individuals proceeding through the immigration process would not have the same level of access to neutral, unbiased internal oversight, fulfilling the role of ombudsman for the public.

Since its inception on February 7, the public advocate has provided effective resolution of serious complaints, assisted in increasing public engagement at all levels, and acted as a good steward of the public dollar.

By adopting this amendment, we'd be saving ICE less than $200,000 per year, while severely impeding community participation and commonsense enforcement strategies.

I can't imagine why we would want to cancel a position that is so effective in helping citizens, helping those who have a stake in all this, helping them penetrate the bureaucracy, helping them get a resolution of serious complaints, making this agency, in effect, more user friendly, more responsive. Why would we want to damage that or destroy it? But that's exactly what this amendment would do, and I urge its rejection.

I yield back the balance of my time.

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

The amendment was agreed to.

□ 1750

AMENDMENT OFFERED BY MR. CROWLEY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

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

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

Pursuant to the order of the House of today, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. I, along with my colleague Mr. ROYCE of California, plan to

offer a bipartisan amendment to the measure, but I understand this is subject to a point of order. I appreciate the chair and the ranking member for supporting an opportunity to say a few words since I won't be asking for a vote on the amendment at this time.

My amendment is about the importance of cooperation on homeland security between the United States and India. I believe that one of the most important decisions the United States has made in recent years is to strengthen our relationship with the democratic nation of India. With that relationship, one of our most important decisions has been to cooperate and coordinate on matters dealing with homeland security.

The fact is that both the United States and India face threats of terrorist attacks. The people of India will never forget the tragedy of 9/11. After all, many of those who were killed were of Indian origin. The people of the United States looked on in horror as terrorists carried out the brutal Mumbai attacks. In those attacks, terrorists killed not only Indians but Americans as well. 9/11 and Mumbai remind us of why it is important that we work together with India, and the people of our two countries remind us of why we must sustain and deepen that cooperation even further.

So I want to urge the Department of Homeland Security to continue the important work that it is doing with regard to India to help ensure that both of our countries are safe from terrorist attack.

I also want to thank my colleague Mr. ROYCE, who had planned to offer this amendment along with me. Support in this area is bipartisan, and we will continue to work in a bipartisan way.

Mr. Chairman, at this time, I ask unanimous consent to withdraw my amendment, and I yield back the balance of my time.

The Acting CHAIR. Is there objection?

Seeing none, the amendment is withdrawn.

AMENDMENT OFFERED BY MR. FLORES

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

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

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chair, I rise today to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Department of Homeland Security appropriations bill.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than jet fuel from traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel.

Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department, which is why I am offering this amendment again today to the Homeland Security appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix: to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop all of our domestic energy resources, including alternative fuels.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Mr. Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

Now, in some circles, there is a misconception that my amendment will somehow prevent the Federal Government and our military from being able to produce and use alternative fuels. Mr. Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal Government purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill, and it passed with bipartisan support. My similar amendments to the MilCon-VA and to the Energy and Water appropriations bills also passed by voice votes. My friend Mr. CONAWAY also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: It increases our reliance on Middle Eastern oil. It hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean and efficient American oil and gas. It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last but certainly not least, it costs our taxpayers more of their hard-earned dollars.

I urge my colleagues to support the passage of this commonsense amendment.

At this time, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Yes, I would be happy to accept your amendment, and I look forward to working with you as we move forward in the process.

Mr. FLORES. I reserve the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I think it's fair to say, if we are talking about common sense, that the balance of common sense lies against this amendment and with section 526 of the Energy Independence and Security Act.

It's quite a straightforward provision intended simply to ensure that the environmental costs from the use of alternative fuels, whatever they may be, are at least no worse than the fuels in use today. Why shouldn't that burden of proof be placed on the use of alternative fuels? It requires that the Federal Government do no more harm when it comes to global climate change than it is already doing through the use of unconventional fuels.

So this is a commonsense provision. It escapes me as to why we would want to violate this or bypass it in this Homeland Security bill, so I urge the rejection of the amendment.

I yield back the balance of my time.

Mr. FLORES. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. FLORES. I appreciate the gentleman's remarks, but I do want to say this:

Again, my amendment does nothing to restrict the fuel choices of any Federal agency, in particular, those of the U.S. military. What it does do, for instance, is to allow the agencies to procure fuel that is refined from oil from Canada oil sands once the Keystone pipeline is built and once those fuels are refined. Today, theoretically, section 526 would restrict the use of those energy resources from our friendly neighbor—I think that is inappropriate—and it also causes our taxpayer funds to be spent less wisely.

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

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

The amendment was agreed to.

□ 1800

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available in this Act may be used to enforce Executive Order 13166 (August 16, 2000; 65 Fed. Reg. 50121).

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

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment addresses Executive Order 13166. That was an executive order that was issued in August of 2000 that directed our Federal agencies to provide foreign-language services to anyone who might seek to engage with the American Government. When I say the American Government, I do mean, Mr. Chairman, not just the Federal Government, but also local government.

The order directs Federal fund recipients—meaning local government—to pay for the enormous cost of providing translation and interpreter services from their own funds. There is no Federal reimbursement for this executive order. Many of us support English as the official language. We understand that there are billions that are spent in an effort to facilitate access to government to people who do not have the language skills, but also understand it is impossible to meet all of those demands.

As we watch the proliferation in this government, I would look at what recently Secretary of Homeland Security Janet Napolitano released, a memorandum detailing a DHS language access plan, which expands Executive Order 13166.

In summary, Mr. Chairman, this amendment simply says that no funds available under this act may be utilized to enforce Executive Order 13166.

With that, I yield to the chairman of the subcommittee from Alabama.

Mr. ADERHOLT. I rise in support of the gentleman's amendment from Iowa, and we think this is a good idea.

Mr. KING of Iowa. Reclaiming my time, I reserve the balance of my time.

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

The Acting CHAIR (Mr. GINGREY of Georgia). The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. This is an amendment that it seems very clear would actually hamper DHS operations and make us less safe.

Every component of DHS has to communicate effectively in their daily operations in order to accomplish the mission of the Department. How can ICE enforce our immigration laws without being able to communicate meaningfully with foreign-born persons with limited English proficiency? This is a critical executive order. It was a top priority in the Bush administration.

There was a memorandum issued during the Bush administration to the heads of all Federal agencies that helped facilitate the development of limited English-language proficiency plans.

To elaborate on that further, I yield to the gentlewoman from California (Ms. CHU), a leading member on the Judiciary Committee.

Ms. CHU. Mr. Chairman, I rise to oppose this amendment.

If this amendment passed, it would have a negative effect on many immigrants, many of whom work hard and play by the rules and are here legally, but may not have the ability to speak English well.

If this amendment passed, innocent people could be harmed. Foreign-born naturalized citizens would be at risk of erroneous detention and deportation by ICE. Not only that, detainees with serious, possibly life-threatening, medical needs would be placed in great peril due to the inability to make medical requests and communicate effectively with medical service providers.

If this amendment passed, lives could be lost because DHS and FEMA would have difficulty issuing danger warnings and evacuation instructions, as well as other critical notices in other languages during times of national emergency or catastrophe.

If this amendment passed, it would be harder for people to become citizens. That is because DHS would be prevented from providing foreign-language assistance to the elderly and disabled immigrants and refugees seeking to naturalize and become U.S. citizens.

We want immigrants to be fully assimilated in American society. This amendment would stop this process and, in fact, potentially cause great harm to many who do not deserve it.

I urge my colleagues to oppose this amendment.

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

Mr. KING of Iowa. Mr. Chairman, just quickly in closing, I would point out that we got along fine without this executive order up until the year 2000, and we'll get along fine without this executive order after the year 2012.

The assimilation component of this doesn't take place if you facilitate foreign-language speaking within government. Eighty-seven percent of Americans support this policy, the policy of English as the official language. This is a component of it. There's nothing that prevents justice, health, or emergency services from utilizing multiple languages to take care of the people.

So I urge its adoption, and I yield back the balance of my time.

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

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

Mr. DICKS. Mr. Chairman, I yield to my good friend from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Mr. DICKS. I will be brief.

I just want to point out that the executive order itself indicates that only actions that would not be unduly burdensome should be engaged in. And the true scope of this amendment is really quite broad and adverse to the enforcement of the law.

If you are ICE and you have people in custody, those people in custody may not be speaking English, and you may need to be able to communicate with them in a language other than English. The broad scope of this amendment could interfere with that.

I would like to note, also, as to the FEMA issue that my colleague from California referred to, we think of DHS as immigration. My colleague from Iowa has mentioned that frequently in our committee. But the Department of Homeland Security is very broad. This could be the Coast Guard dealing with sailors in the Caribbean Sea, either people they believe are out to do mischief or people who are in distress who may not speak English. This could be storm warnings, as has been mentioned. There are parts of Florida where Spanish is spoken. Certainly in Puerto Rico, Spanish is spoken and hurricanes come. You want to alert the entire population in a way that they can understand that danger is on its way.

I think this repeal of this executive order, which goes back almost 12 years and through many administrations, is ill-advised. It will make the country less safe, and certainly it is an amendment that we should not support.

With that, I thank the gentleman.

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

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

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

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

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

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have a King amendment at the desk, 322.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. (a) None of the funds made available in this Act may be used to finalize, implement, administer, or enforce the ''Morton Memos'' described in subsection (b).

(b) For purposes of this section, the term ''Morton Memos'' refers to the following documents:

(1) Policy Number 10072.1, published on March 2, 2011.

(2) Policy Number 10075.1, published on June 17, 2011.

(3) Policy Number 10076.1, published on June 17, 2011.

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

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

The Chair recognizes the gentleman from Iowa.

□ 1810

Mr. KING of Iowa. Mr. Chairman, this amendment, this second King amendment, addresses the Morton memos, and he would be the director of ICE, and he is quite well known for the memos that unfolded that are known as the Morton memos. There are three of them. These memos, compiled together, bring about the effect of administrative amnesty. We'll remember that the President issued a policy sometime probably less than a year ago when he essentially announced that they were going to look for ways that they didn't have to deport people that are already adjudicated for deportation.

At the time there were 300,000 people here in the United States here illegally who had been adjudicated for deportation. They were awaiting a final deportation order.

The President's policy, as echoed through Department of Homeland Security Secretary Janet Napolitano, and acted on by ICE Director Morton, issued three memos that gave administrative amnesty this way.

Memo number one was the most significant, and it said this: that aliens who pose a danger to national security or are a risk to public safety, they might be deported. Illegal aliens who have recently entered the U.S., they might be deported if you catch them at the border, so to speak, Mr. Chairman. The third component of that memo number one was aliens who are fugitives or otherwise obstruct immigration controls might be deported. It really means the rest of them we're not going to pay much attention to. That's the administrative amnesty component.

Memo number two discouraged ICE agents from enforcing immigration laws against aliens, many who would qualify if the DREAM Act had been enacted—which is a pretty outrageous policy when you consider that it has multiple times been voted down in Congress.

Number three discouraged ICE agents from enforcing immigration laws against aliens who were victims or witnesses of crimes.

Those are the Morton memos. This amendment prohibits the dollars from being used in this budget to enforce the Morton memos.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
March 2, 2011.

Memorandum for: All ICE Employees
From: John Morton, Director
Subject: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

PURPOSE

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

A. Priorities for the apprehension, detention, and removal of aliens

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation's civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency's highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE's civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

Priority 1. Aliens who pose a danger to national security or a risk to public safety

The removal of aliens who pose a danger to national security or a risk to public safety shall be ICE's highest immigration enforcement priority. These aliens include, but are not limited to:

aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;

aliens not younger than 16 years of age who participated in organized criminal gangs;

aliens subject to outstanding criminal warrants; and

aliens who otherwise pose a serious risk to public safety.

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.

Level 1 offenders: aliens convicted of ''aggravated felonies,'' as defined in §101(a)(43) of the Immigration and Nationality Act, or two or more climes each punishable by more than one year, commonly referred to as ''felonies'';

Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as ''misdemeanors''; and

Level 3 offenders: aliens convicted of crimes punishable by less than one year.

Priority 2. Recent illegal entrants

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as ''catch and release,'' the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

fugitive aliens, in descending priority as follows:

fugitive aliens who pose a danger to national security;

fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;

fugitive aliens with criminal convictions other than a violent crime;

fugitive aliens who have not been convicted of a crime;

aliens who reenter the country illegally after removal, in descending priority as follows:

previously removed aliens who pose a danger to national security;

previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;

previously removed aliens with criminal convictions other than a violent crime;

previously removed aliens who have not been convicted of a crime; and

aliens who obtain admission or status by visa, identification, or immigration benefit fraud.

The guidance to the National Fugitive Operations Program: Priorities, Goals and Expectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

B. Apprehension, detention, and removal of other aliens unlawfully in the United States

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

C. Detention

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of

mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm, person. or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

D. Prosecutorial discretion

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then Assistant Secretary Julie Myers.

E. Implementation

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.

F. No Private Right Statement

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
June 17, 2011.

Memorandum for: All Field Office Directors, All Special Agents in Charge, All Chief Counsel

From: John Morton, Director

Subject: Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

PURPOSE

This memorandum provides U.S. Immigration and Customs Enforcement (ICE) personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. The memorandum also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

This memorandum builds on several existing memoranda related to prosecutorial discretion with special emphasis on the following:

Sam Bernsen, Immigration and Naturalization Service (INS) General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976);

Bo Cooper, INS General Counsel, INS Exercise of Prosecutorial Discretion (July 11, 2000);

Doris Meissner, INS Commissioner, Exercising Prosecutorial Discretion (November 17, 2000);

Bo Cooper, INS General Counsel, Motions to Reopen for Considerations of Adjustment of Status (May 17, 2001);

William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (October 24, 2005);

Julie L. Myers, Assistant Secretary, Prosecutorial and Custody Discretion (November 7, 2007);

John Morton, Director, Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011); and

John Morton, Director, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).

The following memoranda related to prosecutorial discretion are rescinded:

Johnny N. Williams, Executive Associate Commissioner (EAC) for Field Operations, Supplemental Guidance Regarding Discretionary Referrals for Special Registration (October 31, 2002); and

Johnny N. Williams, EAC for Field Operations, Supplemental NSEERS Guidance for Call-In Registrants (January 8, 2003).

BACKGROUND

One of ICE's central responsibilities is to enforce the nation's civil immigration laws in coordination with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE, however, has limited resources to remove those illegally in the United States. ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the immigration system. These priorities are outlined in the ICE Civil Immigration Enforcement Priorities memorandum of March 2, 2011, which this memorandum is intended to support.

Because the agency is confronted with more administrative violations than its resources can address, the agency must regularly exercise ''prosecutorial discretion'' if it is to prioritize its efforts. In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual. ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement. When ICE favorably exercises prosecutorial discretion, it essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.

In the civil immigration enforcement context, the term ''prosecutorial discretion'' applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

deciding to issue or cancel a notice of detainer;

deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA);

focusing enforcement resources on particular administrative violations or conduct;

deciding whom to stop, question, or arrest for an administrative violation;

deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition;

seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;

settling or dismissing a proceeding;

granting deferred action, granting parole, or staying a final order of removal;

agreeing to voluntary departure, the withdrawal of an application for admission, or other action in lieu of obtaining a formal order of removal;

pursuing an appeal;

executing a removal order; and

responding to or joining in a motion to reopen removal proceedings and to consider joining in a motion to grant relief or a benefit.

AUTHORIZED ICE PERSONNEL

Prosecutorial discretion in civil immigration enforcement matters is held by the Director and may be exercised, with appropriate supervisory oversight, by the following ICE employees according to their specific responsibilities and authorities:

officers, agents, and their respective supervisors within Enforcement and Removal Operations (ERO) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

officers, special agents, and their respective supervisors within Homeland Security Investigations (HSI) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

attorneys and their respective supervisors within the Office of the Principal Legal Advisor (OPLA) who have authority to represent ICE in immigration removal proceedings before the Executive Office for Immigration Review (EOIR); and

the Director, the Deputy Director, and their senior staff.

ICE attorneys may exercise prosecutorial discretion in any immigration removal proceeding before EOIR, on referral of the case from EOIR to the Attorney General, or during the pendency of an appeal to the federal courts, including a proceeding proposed or initiated by CBP or USCIS. If an ICE attorney decides to exercise prosecutorial discretion to dismiss, suspend, or close a particular case or matter, the attorney should notify the relevant ERO, HSI, CBP, or USCIS charging official about the decision. In the event there is a dispute between the charging official and the ICE attorney regarding the attorney's decision to exercise prosecutorial discretion, the ICE Chief Counsel should attempt to resolve the dispute with the local supervisors of the charging official. If local resolution is not possible, the matter should be elevated to the Deputy Director of ICE for resolution.

FACTORS TO CONSIDER WHEN EXERCISING PROSECUTORIAL DISCRETION

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

the agency's civil immigration enforcement priorities;

the person's length of presence in the United States, with particular consideration given to presence while in lawful status;

the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;

the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;

whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;

the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;

the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;

whether the person poses a national security or public safety concern;

the person's ties and contributions to the community, including family relationships;

the person's ties to the home country and conditions in the country;

the person's age, with particular consideration given to minors and the elderly;

whether the person has a U.S. citizen or permanent resident spouse, child, or parent;

whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;

whether the person or the person's spouse is pregnant or nursing;

whether the person or the person's spouse suffers from severe mental or physical illness;

whether the person's nationality renders removal unlikely;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

That said, there are certain classes of individuals that warrant particular care. As was stated in the Meissner memorandum on Exercising Prosecutorial Discretion, there are factors that can help ICE officers, agents, and attorneys identify these cases so that they can be reviewed as early as possible in the process.

The following positive factors should prompt particular care and consideration:

veterans and members of the U.S. armed forces;

long-time lawful permanent residents;

minors and elderly individuals;

individuals present in the United States since childhood;

pregnant or nursing women;

victims of domestic violence, trafficking, or other serious crimes;

individuals who suffer from a serious mental or physical disability; and

individuals with serious health conditions.

In exercising prosecutorial discretion in furtherance of ICE's enforcement priorities, the following negative factors should also prompt particular care and consideration by ICE officers, agents, and attorneys:

individuals who pose a clear risk to national security;

serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind;

known gang members or other individuals who pose a clear danger to public safety; and

individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud.

TIMING

While ICE may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding. As was more extensively elaborated on in the Howard Memorandum on Prosecutorial Discretion, the universe of opportunities to exercise prosecutorial discretion is large. It may be exercised at any stage of the proceedings. It is also preferable for ICE officers, agents, and attorneys to consider prosecutorial discretion in cases without waiting for an alien or alien's advocate or counsel to request a favorable exercise of discretion. Although affirmative requests from an alien or his or her representative may prompt an evaluation of whether a favorable exercise of discretion is appropriate in a given case, ICE officers, agents, and attorneys should examine each such case independently to determine whether a favorable exercise of discretion may be appropriate.

In cases where, based upon an officer's, agent's, or attorney's initial examination, an exercise of prosecutorial discretion may be warranted but additional information would assist in reaching a final decision, additional information may be requested from the alien or his or her representative. Such requests should be made in conformity with ethics rules governing communication with represented individuals[3] and should always emphasize that, while ICE may be considering whether to exercise discretion in the case, there is no guarantee that the agency will ultimately exercise discretion favorably. Responsive information from the alien or his or her representative need not take any particular form and can range from a simple letter or e-mail message to a memorandum with supporting attachments.

DISCLAIMER

As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of ICE or any of its personnel to enforce federal immigration law. Similarly, this memorandum, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
June 17, 2011.

Memorandum for: All Field Office Directors, All Special Agents in Charge, All Chief Counsel

From: John Morton Director,

Subject: Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs

PURPOSE

This memorandum sets forth agency policy regarding the exercise of prosecutorial discretion in removal cases involving the victims and witnesses of crime, including domestic violence, and individuals involved in non-frivolous efforts related to the protection of their civil rights and liberties. In these cases, ICE officers, special agents, and attorneys should exercise all appropriate prosecutorial discretion to minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice. This memorandum builds on prior guidance on the handling of cases involving T and U visas and the exercise of prosecutorial discretion.

DISCUSSION

Absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime. In practice, the vast majority of state and local law enforcement agencies do not generally arrest victims or witnesses of crime as part of an investigation. However, ICE regularly hears concerns that in some instances a state or local law enforcement officer may arrest and book multiple people at the scene of alleged domestic violence. In these cases, an arrested victim or witness of domestic violence may be booked and fingerprinted and, through the operation of the Secure Communities program or another ICE enforcement program, may come to the attention of ICE. Absent special circumstances, it is similarly against ICE policy to remove individuals in the midst of a legitimate effort to protect their civil rights or civil liberties.

To avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents, and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime, witnesses to crime, and individuals pursuing legitimate civil rights complaints. Particular attention should be paid to:

victims of domestic violence, human trafficking, or other serious crimes;

witnesses involved in pending criminal investigations or prosecutions;

plaintiffs in non-frivolous lawsuits regarding civil rights or liberties violations; and

individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.

In deciding whether or not to exercise discretion, ICE officers, agents, and attorneys should consider all serious adverse factors. Those factors include national security concerns or evidence the alien has a serious criminal history, is involved in a serious crime, or poses a threat to public safety. Other adverse factors include evidence the alien is a human rights violator or has engaged in significant immigration fraud. In the absence of these or other serious adverse factors, exercising favorable discretion, such as release from detention and deferral or a stay of removal generally, will be appropriate. Discretion may also take different forms and extend to decisions to place or withdraw a detainer, to issue a Notice to Appear, to detain or release an alien, to grant a stay or deferral of removal, to seek termination of proceedings, or to join a motion to administratively close a case.

In addition to exercising prosecutorial discretion on a case-by-case basis in these scenarios, ICE officers, agents, and attorneys are reminded of the existing provisions of the Trafficking Victims Protection Act (TVPA), its subsequent reauthorization, and the Violence Against Women Act (VAWA). These provide several protections for the victims of crime and include specific provisions for victims of domestic violence, victims of certain other crimes, and victims of human trafficking.

Victims of domestic violence who are the child, parent, or current/former spouse of a

U.S. citizen or permanent resident may be able to self-petition for permanent residency. A U nonimmigrant visa provides legal status for the victims of substantial mental or physical abuse as a result of domestic violence, sexual assault, trafficking, and other certain crimes. A T nonimmigrant visa provides legal status to victims of severe forms of trafficking who assist law enforcement in the investigation and/or prosecution of human trafficking cases. ICE has important existing guidance regarding the exercise of discretion in these cases that remains in effect. Please review it and apply as appropriate.

Please also be advised that a flag now exists in the Central Index System (CIS) to identify those victims of domestic violence, trafficking, or other crimes who already have filed for, or have been granted, victim-based immigration relief. These cases are reflected with a Class of Admission Code ''384.'' When officers or agents see this flag, they are encouraged to contact the local ICE Office of Chief Counsel, especially in light of the confidentiality provisions set forth at 8 U.S.C. §1367.

NO PRIVATE RIGHT OF ACTION

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

I would then at this point urge its adoption and yield to the acting subcommittee chairman, the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, the committee strongly supports the gentleman's amendment. It is entirely important and vitally important that the Congress defund the administration's unilateral attempt to bypass the laws of the United States and implement an amnesty program by Executive order. It's unacceptable. It violates the law.

As all of us in Texas know—I had brought with me tonight for this debate, because it's so important to remember, that the first image on the first coin of the Republic of Mexico states, liberty and law. There is a wonderful image of the liberty cap over the scales of Justice. It points out quite correctly, the Republic of Mexico's, the first coin they ever minted, that there can be no liberty without law enforcement.

We strongly support the gentleman's amendment. How vitally important it is that we restore law and order to the border, that we enforce the immigration laws in this country in a way that is evenhanded and fair and just, because only when the border is secure, only when the immigration laws are enforced, will we be able to actually have a healthy commerce with Mexico, will we be able to actually have a guest worker program with Mexico and allow people to come here legally to work so we can actually restore the back and forth trade that has made Texas and all the border States so prosperous.

We strongly support the gentleman's amendment and urge its adoption.

Mr. KING of Iowa. Reclaiming my time, Mr. Chairman, I would point out that the Morton memos, in effect, provide administrative amnesty potentially for millions.

I reserve the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit the use of funds to enforce memos, internal ICE memos, on civil immigration enforcement priorities and on prosecutorial discretion.

Now, our friend from Texas rightly talks about the importance of law enforcement, and I would just ask colleagues, is there any law enforcement agency in the land that does not set priorities?

Every law enforcement agency set priorities. They have to make the most effective use of limited resources.

No law enforcement agency can go after every violation indiscriminately. Every law enforcement agency has to prioritize its resources to decide what's most important, what's most protective of the public safety and go after the perpetrators that would do us the most harm. That's about as basic as it gets.

In a world with limited resources, it's dangerous and irresponsible not to prioritize the detention and deportation of people who pose a threat to public safety and national security.

Why would we want ICE to spend as much time and energy going after innocent kids in college who were brought to this country by their parents as it spends going after known, dangerous criminals? Why would we want ICE to focus on the detention and deportation of the spouses of U.S. citizens serving in our military, rather than on people who pose a threat to national security?

The answer is, we would not want them to do such reckless and indiscriminate things. We want them to set priorities, and that's exactly what the Morton memos are about.

I yield to the ranking member of the Immigration Subcommittee of the Judiciary Committee, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. It is true that every law enforcement agency in the land makes priorities for enforcement. You're going to go after the dangerous gang member before you go after somebody who is double-parked or who is jaywalking. That's what police do all over the United States.

What these memos do is to put some order into who we're going after first. It's important to note that in all of the memos there is a statement that this does not create any right for a person who is here without their proper papers. It is merely a set of priorities.

I would note also that these memos are not new. The prosecutorial discretion memos have been in effect since 1996. I recall in 1999 I was a member of the Judiciary Committee. Then-Chairman Henry Hyde, along with now Chairman LAMAR SMITH, asked the Department of Homeland Security, actually, the immigration service at the time, to set priorities, and here's what they said.

The letter expressed concern about cases of apparent extreme hardship, such as removal proceedings against legal permanent residents who came to the United States when they were very young, many years ago, maybe committed a single criminal crime at the lower end of the spectrum, who have always been law abiding, and said to the INS that they should exercise discretion more regularly. That was done by the Clinton administration, the Bush administration, and now the Obama administration.

To suggest that deportations are not occurring is extremely misleading because, in fact, there have been more deportations during the Obama administration per year than at any time in the Nation's history. DHS has removed over 779,000 individuals in deportation proceedings, an 18 percent increase.

However, there is a limit to the number who can be deported per year. Surely, we would all agree that going after criminals and terrorists is a higher priority than going after grandma or little kids.

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

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I would just make the point that I listened to a lot of discussion about something that we well know around here is prosecutorial discretion. We don't have the resources to prosecute every law breaker and we know that law enforcement has to use that discretion on those resources.

This, though, is the President's policy. This is the President's policy of administrative amnesty that's implemented through the White House, through Janet Napolitano down through Director Morton and his Morton memos, which are amnesty.

They said, we don't want to enforce the law. We want to have comprehensive immigration reform, which we know are code words for amnesty, and they are bringing it about through an executive administrative amnesty in the same way as they are trying to implement cap and trade rules through EPA rules and regulations.

□ 1820

I would add also they have a responsibility to enforce the law. It says in article II of the Constitution:

He shall take care that the laws be faithfully executed.

This Constitution doesn't give an exemption. It doesn't say you're going to enforce the ones you like and not the ones you don't like. We have to adopt this amendment so that we do direct the law.

I would urge its adoption, and I yield back the balance of my time.

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

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

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

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

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

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

Mr. CULBERSON. I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, we've all heard the words from law enforcement: I don't make the laws; I just enforce it. The trouble is the administration is now saying: I don't like the laws. I won't enforce them in this category. It would be equivalent to an officer saying, I'm not going to enforce any drug laws because I don't agree with them. I want to wait until I may see a bank robber.

The fact is the executive branch is trying to legislate from the White House and violate the separations clause by using what is basically a pocket veto after the time limit that is described by law. That pocket veto is not only wrong; it's unconstitutional.

I would ask that the Judiciary Committee hold a hearing and ask the ICE agents about the fact that they've been directed, even when they raid a place where they have a warrant for somebody's arrest, even if they know other individuals are committing a crime at the time that they're in those situations, they're not allowed to arrest those they're witnessing in the commission of a crime under direction of the executive branch, which is trying to legislate from the White House.

We need to send a clear signal. It is for the White House and the executive branch to execute the laws of this country, not to change them, not to erase them, and not to try to legislate from a branch that is constitutionally not supposed to be making those decisions.

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

AMENDMENT OFFERED BY MRS. BLACKBURN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to provide to a Transportation Security Officer, Behavior Detection Officer, or other employee of the Transportation Security Administration

(1) a badge or shield; or

(2) a uniform with epaulets or a badge tab.

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

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

We all know that the TSA is out of control and Congress does have an institutional role to rein them back in. In 2005, the TSA administratively reclassified airport security screeners' title to Transportation Security Officers, or, as they are called, TSOs; and subsequently they changed their uniforms to resemble that of a Federal law enforcement officer. In 2008, a metal badge was added to this uniform. This title and the uniform, the changes that were made, Mr. Chairman, were simply made to give the TSOs an authoritative appearance.

Despite the new title and appearance, the TSOs and the BDOs, or Behavioral Detection Officers, do not receive any Federal law enforcement training, they're not eligible for Federal law enforcement benefits, and the TSOs and the BDOs are in name only, I remind you. The problem is they were set in place as airport security screeners; and administratively, since 2005, they have moved through all of these changes.

As of November 2009, the TSA had spent $1,027,560.10 on TSO badges. The current amount is unknown because TSA will not release the figure.

When Congress created the TSA, their presence at our Nation's security checkpoints at the airports was supposed to be in the capacity of airport security screeners, not transportation security officers or law enforcement officers. Almost every day of the week you can turn on the news and you see story after story where a TSO in uniform has been arrested or has acted inappropriately with a passenger. I believe many of these problems stem from the fact that the TSA does not consistently conduct what we would call routine preemployment or ongoing background checks of new and existing employees. Yet after inconsistent use of background checks and only 80 hours of classroom training, we are giving TSOs a badge and a uniform.

Meanwhile, if you were interested in joining most of our police departments, you would spend up to 6 months in an academy, where you would receive law enforcement training. This would come after you met certain application requirements and were accepted to that academy. And then, after you pass a test and complete that training, you would be given the right to wear a uniform and be called Officer. Here in D.C., the TSA has advertised for Washington Reagan International Airport TSOs on pizza boxes and on pumps at discount gas stations.

TSOs are abusing their uniforms and badges. Just days before Thanksgiving, a Virginia woman was raped after a TSO from Washington Dulles approached her wearing a TSA-issued uniform and flashed his badge. This past March, the TSO supervisor at Washington Dulles was arrested for allegedly running a prostitution ring. However, it's been reported that the individual pled guilty to a second degree assault in 1999. Why didn't TSA catch that while performing that background check before they gave him a badge and a uniform?

TSOs are abusing this limited authority. I just released a report this week that details 50 arrests involving the TSOs. These are reasons enough that we need to take them out of the uniforms, disallow the uniforms, and put them back to their job title of airport security screener.

I urge my colleagues to join the American Alliance of Airport Police Officers, which represents rank-and-file airport police officers in Dallas, L.A., and New York, who are tired of the TSA's mission creep and to adopt and support this amendment.

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is aimed at the people who protect us in our airports. It disparages their service, devalues their contribution, undermines our efforts to make this a more professional and competent force. Why would we do this? What an unnecessary and damaging amendment.

This amendment would prevent the Transportation Security Administration non-law enforcement personnel from wearing a metal badge or wearing a uniform that resembles the uniform of law enforcement. What an insult to these people. We count on these people to protect us. We put them in our aviation system as critical protection against terrorism and against others who could do us harm. How counterproductive is this to our efforts to develop a competent professional force?

□ 1830

TSA's current title and uniform policies are consistent with the skilled and professional nature of TSA's frontline workforce. These policies are aligned with policies for other security professional positions within the Department of Homeland Security.

So how gratuitous is it to disparage this workforce? These are skilled professionals. We want to make them more so. We want to boost their morale and show appreciation for their efforts. This amendment would be a backward step and, I think, a fairly petty backward step. It would hinder our efforts to develop a risk-based, intelligence-driven organization to secure our airports.

With that, I yield to our colleague from the authorizing committee, the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank you very much.

Mr. PRICE is absolutely right, I serve as the ranking member on the Transportation Security Committee on Homeland Security, and a risk-based, well-trained professional team is what we have been working toward and what we are achieving.

I ask my colleagues to remember America pre-9/11 without a professional workforce. And I'd also like to say that in spite of the citations of inappropriate behavior, which none of us condone, there are thousands and thousands of untold stories of TSO officers doing their job, providing the safety lines for the safety of this Nation and providing assistance to the traveling public.

How do I know? Because I make it a habit of visiting airports and seeing our TSO officers work and interacting with them and asking them how long they have served. Many of them came in after 9/11 because they could not sit idly by while the Nation had been attacked. Many of them are former law enforcement officers, former military personnel who believed that they were serving their Nation.

What is a badge? It is a dignity that is allowed to those who are on the front lines of the Nation's security.

What is a uniform? It is a consistent statement that you are authorized to do your duty.

And I would simply say in the mistakes that occur in any body, whatever body it might be, local law enforcement, the United States military, do we strip them of their gear because of incidental or arbitrary incidents that individuals perpetrate? In this instance, we have a majority of heroic, first-line individuals who want to do better.

Can we do better? Absolutely. But it is not done through the removal of the badge or the removal of the uniform. I would just say to my colleagues that we have been blessed since the tragedy of 9/11, but I am reminded of the tragedy of 9/11, and I'm reminded of the heroic souls who lost their lives, families who still mourn. And I'm reminded of the effort of this Congress and the administration at that time, President George Bush, to answer the call. The TSA was part of answering that call. It is our duty, I believe, to ensure that professional service, to allow them to serve, and to ensure that they are serving the American public.

With that, I ask my colleagues to oppose the gentlelady from Tennessee's amendment.

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

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

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

Mr. ADERHOLT. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. One point where I think we all agree is that there are many good people that work with the TSA. I have some good friends that work with the TSA. But to my colleagues here on the floor, I would remind you, those that are our airport screeners and now called transportation security officers, they cannot detain anyone. If they find someone they want to detain, they have to call the airport police.

I would also remind you, in the legislation that was passed in this House, they are designated as an airport security screener to assist the traveling public. I will also remind you that these TSOs receive 80 hours of training—80 hours—and then 3 to 5 weeks of on-the-job training. Our air marshals, our policemen, those law enforcement officers are receiving much more training. And despite TSA's growing presence, more than 25,000 security breaches have occurred at U.S. airports in the last decade, and they are dealt with by the airport police.

Mr. ADERHOLT. Mr. Chairman, I rise regrettably to oppose the amendment. I think this amendment is very well-intentioned; but the amendment, unfortunately, would force the TSA to wear civilian gear and this could possibly confuse the public as to whether the screeners have the authorized duty to carry out their lawful inspection of screening. It would also require the TSA to discard millions of dollars' worth of current uniforms, and the bill does not fund any new uniforms.

I do think that there are some things we need to address, and I appreciate the gentlelady from Tennessee bringing it to my attention here, and I would be happy to work with her. Again, I have to oppose the amendment, but like I said, I would be happy to work with her and see if we can't come to some accommodation on this.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has reserved a point of order. Does the gentleman insist on his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used for Transportation Security Administration Transportation Security Officers or Behavior Detection Officers outside an airport.

Mr. DICKS. Mr. Chairman, we do not have an accurate copy of the amendment, and we feel like we're at a disadvantage. This thing has been rewritten, and we don't have the final draft.

The Acting CHAIR. A copy of the amendment will be distributed.

Mr. DICKS. Thank you.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, that is the correct amendment, and I want to thank the committee for working with us to make certain that we get it right. One of the things that I have learned through my legislative career is that many times leg counsel will advise something is done one way and parliamentarians another way. And whether it was at the State level or the Federal level, it is good to say let's get it right and let's do it right the first time. You have less cleanup. If we did more of that in this House, we would be coming back to this floor to correct wrongs that have been done. Certainly our plate is full of them this year.

□ 1840

There are some great aspects in the DHS bill, but there is one I have a lot of concern on, and it is the funding that is there for these DHS VIPR teams.

Now, this is what has happened since 2005. The VIPR teams have begun conducting random searches and screenings at train stations, subways, bus terminals, ferry terminals, and other mass transit locations around the country.

The objective of VIPR deployments is to augment capabilities that disrupt and deter potential terrorist activity. However, to date, we have not received any report of a VIPR team successfully preventing a single terrorist activity, despite the fact that during this timeframe the FBI, the CIA, and police officers have been highly successful at discovering and apprehending terrorists here in the U.S.

Last year alone, VIPR teams ran more than 9,300 unannounced checkpoints and other search operations. This comes at a rate of approximately 170 to 190 deployments each week. This past October, Tennessee became the first State to conduct a statewide VIPR team operation with TSA transportation security officers. The VIPR team randomly inspected truck drivers on the side of Tennessee's highways. And I remind you, these are individuals that have no law enforcement training.

Recently, we even saw TSA TSOs at the Capitol South Metro station a few weeks ago randomly inspecting——

Mr. DICKS. Will the gentlewoman yield?

Just very briefly, we're confused again because the gentlelady is referring to section 1 of her previous amendment, which is now taken out.

The Acting CHAIR. The gentlewoman from Tennessee controls the time.

Does the gentlewoman yield?

Mrs. BLACKBURN. No, I do not yield. And I'm going to finish my statement and discuss the activity of these teams that are working outside of an airport.

What we have to remember is that TSOs were previously called airport security agents. Now they have become transportation security officers, and now they are working outside of the airport.

I want you to keep in mind this about what transpired at the Capitol South Metro. Passengers had their bags randomly inspected. Keep in mind that these TSOs did not inspect every bag that came in front of them. They entered the station looking through some random selections, and they ignored everybody that was leaving that station. They only took people going in, not people coming out. That should really give everybody concern right now. If there was some reason for actionable intelligence, you would have been searching everybody just a few steps away from this Capitol.

Funding for almost 200 VIPR deployments each week that are random and are not based on and driven by intelligence is not an effective national security policy, nor does it serve the American taxpayer well. Catching terrorists isn't a secret; it needs to be driven by intelligence, which is why the FBI, our Nation's law enforcement, and the Capitol Police have been successful at it.

I encourage my colleagues to support the amendment, and I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. I first want to express some puzzlement though, and perhaps the sponsor of this amendment can clarify this as she closes.

One of the early scribbled versions of this amendment did indeed refer to VIPR teams, and about two-thirds of her statement was about VIPR teams, but my understanding is that the copy of the amendment we now have has had that portion scratched out. So the amendment no longer pertains to VIPR teams.

Could I, just for a moment, get some clarification on that.

And I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

And yes, all of these TSOs that are working outside of our Nation's airports, as I said, they were originally put in place as airport security officers. As the gentleman well knows—

Mr. PRICE of North Carolina. Reclaiming my time, I asked a very direct question: Does the amendment include or not include VIPR teams?

I yield to the gentlewoman.

Mrs. BLACKBURN. At this point, the amendment is addressing those that are working outside of our Nation's airports. This is an overreach; it is a stretch. They are not put in place to do that, and I think the gentleman from North Carolina understands that very well.

Mr. PRICE of North Carolina. I thank the gentlewoman for clarifying that.

There is a lot of confusion about this amendment. The VIPR teams aside, let me just say that to put in this bill a blanket prohibition against TSA officers operating outside of an airport is overly broad and really would be damaging with respect to the things our screeners often are asked to do. Some screeners do assist in passenger screening at transit facilities, for example, and sometimes they are asked to help in screening at national security events. I am told there may be a role at the national conventions or events of that sort where a surge capacity is called for.

Now, some discretion, some good judgment is called for in the use of these personnel, but it escapes me why, in an appropriations bill, we would want to write in a blanket prohibition of this sort when there are demonstrable uses for these personnel outside the airport that are very valuable and contribute to our security.

So I urge defeat of the amendment, and yield back the balance of my time.

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

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

Mr. ADERHOLT. At this time, I would like to yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman. I'll be brief.

If you've ever travelled in an airport for the last 10 years, you're familiar with the TSAs and their invasive conduct in certain circumstances, whether it's the full body scans or the pat downs, what have you. One thing that most Americans thought is that, if you didn't want to go through that, you could still always travel simply by driving your own car, driving your own truck, and not have to go through such an examination. That is not the case anymore.

The TSA is not just for airports anymore, as the gentlelady has explained. They now go beyond the airports. They go onto the Nation's highways and they go onto the rest stops and they go onto the truck stops and the rest. And they are doing so in a manner that is not from the original intent of the Homeland Security bill that created the TSAs. They are going out there where no identifiable public security threat has been posed and they're doing so in the most absurd manner.

Down in Savannah, Georgia, they went last year and they checked on the Amtrak trains. That sounds like a good idea. But you know when they did it? They did it when the people were getting off of the train as opposed to getting onto the train.

They went over to Texas a little while ago, in Brownsville, Texas, and they checked the cars there, private cars—your car, my car, trucks and what have you. And they did it over at a port, not when the people are going into the port when there might be a risk or a threat to the port; they did it when cars were leaving the port. And again, there was no identifiable risk or threat posed at that period of time.

There is support for the TSA in general, but let's focus it back at the airport again and let Americans know that you can still travel in this country, you can get in your own car and not be worried that there is going to be a TSA agent out there with no conceivable threat whatsoever and engaging in basically what really is security theater.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentlewoman.

Ms. ZOE LOFGREN of California. I would just like to make a brief comment, because I actually share the concern that's been expressed about TSA agents randomly going out. I had an incident such as that in the city of San Jose, and I find it improper and highly objectionable.

However, the concern I have in this amendment is, as Mr. PRICE has said, you could not utilize this workforce and say, Okay, we're having the Republican convention; we need an all hands on deck to do security. If this amendment passes, that would be off limits. If you had an actual articulable threat where you needed expertise, you couldn't use them.

So I think that is a mistake, even though I want to say I think the issue you've raised is a solid one and I agree with you. It's just I think the amendment goes way beyond the issue that we agree on.

I thank the gentleman for yielding.

□ 1850

Mr. ADERHOLT. I thank the gentlelady, and reclaim my time.

I appreciate the gentlelady from Tennessee working with us on this as we are trying to reword the amendment with the proposed changes. So with the proposed changes that have been given to the Clerk and handed out to the minority, we would accept the changes and accept the amendment.

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

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

Mr. DICKS. It just seems to me that, we shouldn't be doing an amendment

here on the floor when we really don't have all the information before us. Your side is in charge of Homeland Security. PETER KING is the very able chairman of the Homeland Security Committee. There ought to be hearings on this issue if, in fact, TSA people are overstepping their bounds.

But to come here on the floor and try to cut off all funding, when we have no idea—the gentlelady had to rewrite her amendment several times, for God knows what reason. I mean, this is hardly the way to legislate.

So I urge the defeat of this scratchy little amendment, and let's go to PETER KING and BENNIE THOMPSON and ask them to hold hearings on this. Do this responsibly.

This amendment will be dropped. It isn't going anywhere, frankly, so you might as well face the fact that when we get to conference this is gone. The Senate will never agree to it. The administration would never agree to it, and they shouldn't.

If you want to do something that's constructive, go to the Homeland Security Committee and let them deal with it.

I yield back the balance of my time.

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

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 16 OFFERED BY MR. PIERLUISI

Mr. PIERLUISI. I have an amendment at the desk that was printed in the CONGRESSIONAL RECORD as Amendment No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce section 1301(a) of title 31, United States Code (31 U.S.C. 1301(a)), with respect to the use of amounts made available by this Act for ''Customs and Border Protection—Salaries and Expenses'' for the expenses authorized to be paid in section 9 of the Jones Act (48 U.S.C. 795) and for the collection of duties and taxes authorized to be levied, collected, and paid in Puerto Rico, as authorized in section 4 of the Foraker Act (48 U.S.C. 740), in addition to the more specific amounts available for such purposes in the Puerto Rico Trust Fund pursuant to such provisions of law.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

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

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, violent crime in Puerto Rico and the neighboring U.S. Virgin Islands has been on the rise since 2000, even though violent crime nationwide has decreased substantially during that same time period.

Puerto Rico's homicide rate is about six times the national average. Although there are a number of reasons for this alarming spike in violence, one of the most important factors is that the U.S. government has, to its credit, substantially increased resources along the Southwest border with Mexico in an effort to stem the flow of drugs into our Nation through the Central American land corridor and to reduce violence in U.S. border States.

As a result, drug trafficking organizations have adapted, increasingly utilizing air and maritime routes through the Caribbean in order to supply the U.S. market, just as they did back in the 1980s and 1990s. In 2011, Puerto Rico, with a population of 3.7 million, had nearly as many homicides as Texas, with a population of 25 million. According to estimates, 75 percent of these homicides were linked to the international drug trade.

Through various bills and accompanying committee reports, the Appropriations Committee has taken clear notice of this issue and directed Federal law enforcement agencies to prioritize counter-drug efforts in the U.S. Caribbean. Indeed, in the report accompanying the bill before us, the committee states:

The public safety and security issues of the U.S. territories in the Caribbean must be a priority. The committee expects that the Secretary will allocate the resources, assets and personnel to these jurisdictions in a manner and to a degree consistent with that principle.

I want to thank the chairman and the ranking member for including this important language.

U.S. Customs and Border Protection is on the front lines of the counter-drug fight. The agency has hundreds of personnel stationed in Puerto Rico. These men and women work for the various offices under the agency's umbrella.

My amendment is designed to address a problem that has recently arisen, one that compromises the ability of CBP to carry out its vital counter-drug mission in Puerto Rico. For over a century, Federal law has provided that the collection of certain duties and taxes in Puerto Rico by CBP or its predecessor agencies will be deposited in something called the Puerto Rico trust fund.

Pursuant to the law and an implementing agreement between the Puerto Rico government and the Federal Government, a significant portion of that money is also used to fund certain Federal operations, including the maritime operations of CBP's office of Air and Marine in Puerto Rico.

For many years this arrangement worked well enough. However, recently, because of a shortfall in the Puerto Rico trust fund of about $1.7 million due to reduced customs collections, CBP closed a critical boat unit in San Juan that, in 2010, seized over 7,000 pounds of illegal drugs. This is because CBP has interpreted current Federal law to require that it use either the trust fund or general congressional appropriations to fund its operations, but not both.

My amendment would simply give CBP the authority to supplement any funding from the trust fund with general appropriations made in this bill, so that we will avoid a repeat of what happened in the case of the San Juan boat unit.

My amendment does not require CBP to spend a single additional dollar in Puerto Rico, or to prioritize Puerto Rico over other jurisdictions in any way, and the CBO has indicated the amendment has no budgetary impact. The amendment merely gives the agency the flexibility and discretion to draw upon general appropriations in the event there is a shortfall in the trust fund in order to fulfill its responsibilities in Puerto Rico.

Adoption of the amendment will ensure that the CBP's counter-drug mission in Puerto Rico is not unduly harmed. This, in turn, will promote the broader national security interest of the United States, since 80 percent of the drugs that enter Puerto Rico are ultimately transported to the U.S. mainland.

I want to thank the chairman and the ranking member for including language in the committee report on this subject, and I look forward to continuing to work with them to ensure that the Department of Homeland Security, including CBP, has the resources it needs to adequately address the drug-related violence crisis in Puerto Rico.

I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we withdraw our point of order, and we accept the amendment.

Mr. PIERLUISI. I thank the majority, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SULLIVAN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used to terminate an agreement governing a delegation of authority under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) that is

in existence on the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, it is no secret that the Obama administration wants to phase out the 287(g) program. This program has successfully teamed up local law enforcement with Federal agents to pursue a wide range of investigations such as human smuggling, gang, and other organized crime activity and money laundering.

□ 1900

The President thinks this program is ineffective.

In order to phase out the 287(g), President Obama's FY2013 budget request struck $17 million from the program by terminating agreements and by stopping any further agreements from being signed. Thankfully, the underlying bill restores funding to the 287(g).

The 287(g) program provides State and local law enforcement with the training to identify, process, and detain possible immigration offenders. This program extends the Federal Government's ability to enforce our immigration laws without the additional overhead.

This program has been highly successful at not only apprehending immigration offenders but in facilitating the incarceration of dangerous criminals, and it has contributed to overall public safety. Nationwide, more than 1,500 officers have been trained and certified to enforce immigration laws, and there are 68 active memoranda of agreements in 24 States. Altogether, since the program's inception, 287(g) has identified over 186,000 aliens for removal.

Mr. Chairman, let me tell you about some local 287(g) success stories from my district. In February of this year, the Tulsa County Sheriff's Office was able to bust a sex slave ring in Tulsa and rescue the female victims from having up to 22 men forced on them per day. This was possible because of the 287(g) partnership.

Because of this partnership, the Tulsa County Sheriff's Office conducted investigations into known large shipments of amphetamine, opium and powdered testosterone, resulting in successful prosecution and asset forfeiture. Because of 287(g), the Tulsa County Sheriff's Office assisted with an arrest of nine illegal immigrants, one of whom was a child, being smuggled inhumanely in the bed of a Chevy Avalanche. Since the inception of the program in Tulsa, the Tulsa County Sheriff's Office has identified, processed, and entered into immigration proceedings on over 14,000 aliens, representing those with dangerous criminal backgrounds.

Sex trafficking, drugs, and human smuggling are all part of what the 287(g) program helps to stop. These stories are from Tulsa, but every locality that participates in this program has similar and equally laudable results.

While full funding has been restored to 287(g) in H.R. 5855, the program needs further protection. In order to further insulate these successful agreements and protect them from being terminated for cost-saving purposes or political reasons, my amendment simply prevents the termination of standing 287(g) agreements. We cannot allow the Obama administration any loophole to phase out or terminate this important program and place more undue pressure on our communities already burdened by criminal illegal immigration. Simply put, until the Federal Government steps up and starts doing its job, local law enforcement will continue to pick up the slack and enforce our laws.

I encourage the adoption of my commonsense amendment by my colleagues today, and I reserve the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit any funds from being used to terminate 287(g) agreements.

The 287(g) program, as many people know, is a well-intentioned effort to allow State and local law enforcement entities to enter into a partnership with Immigration and Customs Enforcement. It is well intentioned, but it has turned out seriously flawed in the practice. Nine years after the 287(g) program was first initiated, there has been a thorough documentation of abuses and of the poor management of the program. There have been three audits by the DHS Inspector General that have raised serious concerns about the program.

As a result, ICE has had to reform the 287(g) program to ensure consistency in immigration enforcement actions across the country. The agencies have also had to terminate some 287(g) task forces, notably in Maricopa County, Arizona, after the Justice Department clearly documented racial profiling and other program abuses. Two other counties were also terminated for cause. There are also questions about cost-effectiveness, in fact, very serious questions about cost-effectiveness. Under the 287(g) task force model, it costs $13,322 to apprehend one alien and $19,941 to remove that alien.

Because of these costs, as well as other concerns I've already mentioned, Assistant Secretary Morton began notifying communities this spring that ICE would no longer be considering any 287(g) task force model request from State and local jurisdictions. It, instead, will devote resources to the expansion of other ICE programs and to the continued deployment of Secure Communities. For comparison purposes, under Secure Communities, it costs ICE $649 to apprehend one alien, and $1,321 to remove the alien. That's 10 times less than the 287(g) task force model.

Many communities across the country are agreeing with the transitioning away from the 287(g) program to Secure Communities. For example, the sheriff of Davidson County, Tennessee, questioned whether the 287(g) program was necessary given its low level of apprehensions and the fact that only 68 communities participated across the country. With Secure Communities being fully implemented nationwide in over 3,000 communities by the spring of 2013, I, frankly, see little need to continue the 287(g) program. Now, if this amendment is adopted, it's going to force ICE to fund this cost-prohibitive and questionable immigration enforcement activity in order to keep on doing what we know isn't working and wasting Federal taxpayer funds.

This is a time of fiscal restraint. This is a time when we should be applying cost-benefit standards, effectiveness standards. So Members need to oppose this amendment and allow the Assistant Secretary to prioritize funding decisions based on the most pressing immigration needs of this country and on reasonable standards of cost-effectiveness.

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

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

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

Mr. DICKS. I yield to the distinguished gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I would just like to note that there is a difference—and obviously the gentleman has a right to refine his amendment—between the original version of the amendment that we saw, which had a provision that allowed for the termination in certain cases. For example, when the Inspector General determined that a term of the agreement was violated, the amendment before us no longer has that provision. I think it's an important distinction.

In addition to the very high costs of over $33,000 to find and remove an alien under this program, there are complicated agreements that are engaged in between the localities and the Federal Government. If they aren't adhered to, there needs to be an enforcement action, and that would not be the case under this amendment.

I would note also that, if localities no longer think it's worth it—because, really, they're entering into agreements that cost them, too—it's time that might be better spent doing something else. If they say that this is not working out—we want to terminate it—I don't think, under this amendment, they would be able to do it because the Federal Government would need to respond to their requests and terminate.

Finally, as Mr. PRICE has indicated, this is a program that, although I think had good intentions, didn't work out the way people thought. That sometimes happens in law, and it often happens in immigration law. It's expensive. It's in fewer than 100 localities in the United States, and many of them are rethinking it. The terms and conditions have frequently not been adhered to. In some notorious cases, there have been flagrant violations of civil rights, and the Department has had to go in and yank contracts. Even in the cases where there haven't been really outrageous civil rights violations, there have been problems.

I think there are likely better and more cost-effective ways to enforce the immigration laws, which is why the Department has notified us that it is its intention to begin notifying communities just this spring that it's not going to be considering any further requests from State and local jurisdictions.

That current policy would be permitted under this amendment, and they don't have to accept any more, so we would be stuck with the 68 that we have—no more, no less. I don't think that's a sensible way to proceed on the enforcement of the immigration law; and I think the amendment, although I'm sure well-intentioned, would not enhance the enforcement of law.

□ 1910

Mr. DICKS. Mr. Chairman, I reclaim my time.

ICE itself has raised concerns about the cost effectiveness of the 287(g) program. With all due respect, this sounds like a program that both sides think isn't working that well. We ought to get rid of it. We could put this up on your wall as one of the things you've killed.

For example, under the 287(g) task force model, it costs $13,322 to apprehend one alien and $19,941 to remove them. If you compare that, as the distinguished ranking member did, with the Secure Communities program, it costs ICE $649 to apprehend one alien and $1,321 to remove them. That is more than 10 times less than the 287(g) task force model.

I would be glad to yield to my distinguished friend from Oklahoma to answer why you would want to keep the more expensive program if the Secure Communities program is working.

Mr. SULLIVAN. I believe the 287(g) program has been a huge success, and I disagree with my colleagues on the other side that it's not.

What we're trying to do is get rid of criminal illegal immigrants in our country that are raping people, involved in drug trafficking, that are murdering people, that are dangerous criminals. I think the program is a huge success, and I can just tell you stories in my area about sex slaves and human trafficking.

Mr. DICKS. Reclaiming my time, again, I would just ask the gentleman to contemplate that if we have a Secure Communities program that is dealing with this same issue and doing it at 10 times less for the taxpayers and this 287(g) program has had the inspector general all over it, why wouldn't we get rid of it if it is that expensive to do and use Secure Communities? This is just a commonsense thought here.

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

Mr. SULLIVAN. This program actually cuts costs. It's a program that is very efficient. It's one that has to be implemented at the local levels because the Federal Government has failed to do its job.

The Federal Government doesn't do anything in immigration policy at all in this country, and it has been thrust upon local communities like my local sheriff's office. My local sheriff, Stanley Glanz, has instituted this 287(g) program in our community, and it's kept us safe and secure. We've taken it into our own hands to get people off our streets that are criminal illegal immigrants. It costs money to do that, but I think it's done in a very efficient way that cuts costs. It's done in a very efficient manner. These people are wreaking havoc on our communities, and there is a lot of cost involved in that that's not being talked about to the tune of millions and millions of dollars across this country.

I think for us, we would be abdicating our responsibility. Congressman DICKS, we would be abdicating our responsibility if we do not fund this 287(g) program. This is something we should embrace on both sides of the aisle. It's so important. Because of our location to other countries, we have people coming through our country every day smuggling people and drugs all the time. We have identity theft in our community, and it needs to be addressed. This is the only way we can do it until we have comprehensive immigration policy in this country.

I yield back the balance of my time.

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

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

Mr. ADERHOLT. I would like to add that we strongly support 287(g). As a matter of fact, we have increased 287(g) by 25 percent in this bill. We reject the administration's cuts to 287(g), and we agree with the amendment from the gentleman from Oklahoma.

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

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

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

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

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

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

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

Mr. ADERHOLT. I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the chairman for yielding.

Mr. Chairman, my home State is still recovering from billions of dollars in damage after the floods of 2008, which were the worst disaster in our State's history and one of the worst disasters in our Nation's history.

Unfortunately, today we have communities that have been awarded funds through the FEMA Public Assistance program that are afraid that over a year after the funds were awarded to replace buildings, and local funds have been spent, FEMA may be required to take back that funding at no fault of the community. That's what those folks are afraid of.

We shouldn't leave our local communities holding the bag on a failed project, destroyed and decaying buildings, and a loss of local taxpayer funds.

I don't believe that FEMA should come into one of our communities and take back disaster recovery funding over a year after it's already been awarded and after our communities have already spent a large amount of their taxpayers' money with the understanding that the project was moving forward.

Communities recovering from disasters right now, as I know the chairman's has, are also struggling in the worst recession since the Great Depression. The last thing they need is to have even more uncertainty thrown at them by losing disaster recovery assistance.

Disaster recovery must be a collaboration. Our local communities should not have the rug pulled out from under them, after years of struggling to recover, because the Federal Government committed support for rebuilding a community and then later took back that support. We need to maintain a partnership with States and communities, which means confidence that the Federal Government's promise of recovery funding means something.

Mr. Chairman, I just hope that we can work together with FEMA to ensure that taxpayer dollars are protected, that we can work together at all levels to rebuild communities and economies destroyed by disasters all over this great Nation, and that a local community's recovery can continue to move forward while we address any issues outside the community's ongoing recovery process.

Mr. ADERHOLT. I want to thank the gentleman for raising these issues and bringing it to our attention.

Just this past year, the district I represent was devastated by tornados. So the people of the district that I represent know firsthand what it is to work with FEMA and the recovery from a horrific disaster.

I understand my colleague's concerns and agree that we need to be cognizant of the burden on local communities if they've been awarded recovery funds and then have those funds taken back through no fault of their own.

My colleague certainly raises some commonsense points and issues that we should look at to address and to make sure that communities across the country aren't expending local funds for no reason, so that taxpayer dollars are protected at both the local and at the Federal level, so there is a better and more cooperative partnership between the Federal Government and these recovering communities.

It is important that the State and the Federal partnership on disaster recovery is maintained in a collaborative and productive fashion, and I agree with my colleague from Iowa and hope that the issues like this don't disrupt the partnership that lead to communities doubting the sincerity or the ability of their government to come to their aid in such a time as needed.

I know that everyone wants favorable outcomes and for our communities to recover as quickly as possible and agree that communities shouldn't shoulder the burden of an agency's mistake.

As recovery continues in the district of my colleague from Iowa, I pledge to work with him and FEMA to address these issues and look forward to recovery in a timely manner.

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

□ 1920

AMENDMENT OFFERED BY MR. BARLETTA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Mr. Speaker, every day we're in session, we create new laws. Some affect spending, some protect our citizens and country, some honor those who have fallen. All are important, all carry the same weight, and all are Federal laws. But there are some elected officials in the United States who believe that they can pick and choose the laws they follow.

In 1996, Congress passed and the President signed the bipartisan Illegal Immigration Reform and Immigrant Responsibility Act. This law says very clearly that no local government entity or official may prohibit or in any way restrict any government entity or official from sending to or receiving from Immigration and Customs Enforcement information regarding the citizenship or immigration status of any individual.

Every day in cities across America, elected officials break that law and millions of illegal aliens benefit from the lack of enforcement. They benefit by taking jobs from American citizens and legal immigrants. They benefit by using taxpayer-funded benefits.

Some of our communities not only ignore the law, but many communities across our Nation willfully violate Federal law by encouraging illegal aliens to live in their cities, saying that they will be safe from Federal Government's reach.

Mind you, the Federal Government is not asking these cities to do anything extraordinary. The government is not asking cities to implement a radical new law. The Federal Government is merely asking these cities to obey the law, a law that has been on the books for 16 years. This is what the American people want.

According to a recent poll, an overwhelming majority of Americans want the Department of Justice to uphold the law and take legal action against cities that break existing Federal immigration law. But, once again, in the area of illegal immigration control, the Federal Government fails to act.

Instead, we send billions of tax dollars to these communities. That's why my colleagues and I rise to offer this amendment this evening. This amendment will prevent Federal funds from being given to cities and towns that do not follow Federal immigration law. This amendment will uphold existing Federal law. It will discourage the creation of a confusing national patchwork where some cities uphold the law and other cities willfully ignore it.

This amendment makes sense. It will keep us safe, and it cuts down on waste, fraud and abuse. I strongly encourage my colleagues to vote ''yes'' on this amendment.

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

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

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is merely a restatement of existing law. It doesn't need to be in this bill. Moreover, there's no evidence that any State or local government has violated Federal law in this area.

In 2007, in fact, Homeland Security Secretary Michael Chertoff, a Republican, as we all know, testified that he wasn't aware of any city that interferes with the Department's ability to enforce the law. It's a largely fabricated problem, I believe, and the amendment itself would simply restate existing law.

I yield to Ms. LOFGREN, the ranking member of our Immigration Policy and Enforcement Committee.

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I would, in joining my opposition to the amendment, note that the amendment before us actually does not prevent highway funds and other funds from going to so-called sanctuary cities at all.

Further, I would note, as Mr. PRICE has done, that these so-called sanctuary laws really very rarely, if at all, from the record, have to do with communicating between the locality and the Federal Government. They have to do with what the locality is doing and their own citizens.

In many urban parts of the country, police chiefs have made a decision that they need to trust their communities to be witnesses to crime, to come forward, to cooperate with the police, and that they do not want to play the role of immigration police. They want to be the real police. That is a decision that localities can make, provided that they do not run afoul of the 1996 act that prohibits the restrictions on sending and receiving information.

Here's the deal: you can say we're not going to disrupt this community because of our need to get the trust of the community, but you can't prohibit the communication with the Federal Government.

I think that this amendment will not achieve anything. The law is already clear. It passed in 1996.

I would further note that there is a case, it had to do with gun control. It's called the Prince case, and what it says is that the Federal Government cannot commandeer local and State governments to enforce the Federal law.

If that's really what the intent is here, it would violate the Supreme Court decision saying that you can't use the power of the Federal Government to force cities to enforce gun control laws. I would say you couldn't do that to force cities to enforce immigration laws either. That would be the Prince case.

This amendment doesn't matter, really, whether the amendment is approved or not because, as I indicated and Mr. PRICE has indicated, this has been part of our law since 1996.

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

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

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

Mr. ADERHOLT. I would simply like to rise in support of the gentleman from Pennsylvania's amendment and say that we agree with his amendment that he has brought forth tonight.

I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. Chairman. This amendment is common sense. The city of San Francisco, for example, officially declared itself an illegal alien sanctuary city by the Board of Supervisors in 1989, and now lawmakers are taking that a huge step further by actually creating legislation to

grant illegal aliens official city identification cards.

The head of the Public Information Office of the National Association of Chiefs of Police reports that in California, illegal aliens in San Francisco are being assured through costly Spanish language advertising campaigns that they will never be reported to Federal law enforcement agents such as ICE, Immigrations and Customs Enforcement, or Homeland Security investigation, or the U.S. Border Patrol, or any other Federal agency that could initiate the deportation process. That's a direct violation of the Federal law that the gentleman from Pennsylvania just read.

I'm proud to coauthor this amendment with my friend from Pennsylvania because he's exactly right. This amendment will save lives.

If a local law enforcement agency refuses to follow Federal law, they should not expect to be rewarded with Federal grant money, and that's what this amendment would do—cut off Federal grant money to sanctuary cities across America. I suspect you'll see them repeal their sanctuary city policy very rapidly when they discover they don't have access to Federal money.

Most recently, in the city of San Francisco, a renowned gang member, a member of the MS–13 gang, was just convicted for three first-degree murders in 2008. A father and two sons were murdered by this illegal alien who had multiple run-ins with law enforcement authorities in San Francisco. But because of the sanctuary city policy in San Francisco, he was not deported.

□ 1930

I urge the Members of the House to support the gentleman's amendment. This amendment will save lives.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Arizona.

Mr. SCHWEIKERT. I thank the gentleman for yielding.

This is one of the moments where you get to stand up behind the microphone, and being from Arizona, embrace the irony.

Think of this. This Federal Government sues my State for actually enforcing the Federal immigration law. But yet in this particular case, in this amendment, as my friend here was just pointing out, we hand money to communities that are walking away from enforcing the very law. Does anyone see the irony of: You sue us for doing it, but yet we reward municipalities for becoming a sanctuary city and not living up to their obligations.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. BARLETTA. Thank you.

Again, to sum this up, I was a mayor of a small town in Pennsylvania, and when the problem of illegal immigration hit my city, I came here to ask for help because our small budget couldn't help defend the people in my community. And when I came here and I talked to many experts, when I left here what I got was a nice coffee mug, a lapel pin, a pat on the back, and a Good luck, Mayor.

I finally decided after a 29-year-old city man was shot between the eyes by an illegal alien who had been arrested eight times before he came to my city, I said enough was enough. I had to protect the people in my community. And what happened was I was sued, and I was told that, We will bankrupt your city if you continue to fight.

But yet we have mayors across the country who are going to pick and choose what laws they want to defend. We're not asking for some crazy new law. We're asking mayors to defend the laws that they took an oath of office that they would defend. And that's what this bill would do. We should not reward those who are openly defying Federal laws that this Congress had passed.

Mr. ADERHOLT. Reclaiming my time, I would just like to say I support the gentleman from Pennsylvania's amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. I yield to the distinguished gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Washington.

I rise in opposition to this amendment.

I think this amendment is an opportunity for us to examine why this issue is being discussed. The fact that there is such a large illegal population in our cities, in our counties, in our States, is not their fault. It's not a mayor's fault. It's not a county commissioner's fault. It's not a Governor's fault. It is our fault. It is Congress's fault. It is the failure of our Federal policies' fault.

Many of our communities have large illegal populations, including many of the communities I represent. And they try to get by. They try to engage in community policing to keep their community safe and earn the trust of their immigrant populations. They try to ensure that their immigrant populations are well cared for. They're doing as best they can. But until we fix that policy here and replace our broken immigration laws with a system that works for this country and works for the private sector and is in touch with reality, it's counterproductive to prevent experimentation at the State and local level.

If the State of Utah wants to experiment with work permits because of the lack of Federal action, let's find a way to let them do it. If our cities and towns find a way to get by a little bit better with the burden that we in this body have placed on them by refusing to take up immigration reform, then let them do it. Let them try to get by a little better. And until this body actually has the courage to address fixing our broken immigration system, we should not consider measures that continue to symbolically or really continue to handcuff our State and local officials in dealing with the problems associated with illegal immigration.

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

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

The amendment was agreed to.

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

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

Mr. ADERHOLT. At this time I would like to yield to the gentleman from Rhode Island to talk about an important cyber workforce issue.

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

I'd first like to thank Chairman ADERHOLT for his hard work. His efforts to support and strengthen cybersecurity activities within the Department of Homeland Security have been commendable, and I want to thank him and his staff, as well as Mr. PRICE and his staff, for crafting this important piece of legislation.

There can be no doubt of the importance of ensuring DHS has the resources it needs to execute its role in protecting against cyberthreats, and key to this is attracting and retaining a robust and skilled cyber workforce.

DHS has been delegated numerous critical responsibilities in securing Federal networks through Federal statute and OMB memorandum. These include operating the United States Computer Emergency Readiness Team, or US–CERT, and overseeing the Trusted Internet Connection initiative. DHS also has prime responsibility within the executive branch for the operational aspects of Federal agency cybersecurity with respect to the information systems that fall under the Federal Information Security Management Act.

While I applaud the chairman for delivering on the need to strengthen America's homeland security efforts in the face of reduced Federal spending, I would ask him if he gave consideration to the hiring, development, and retention of our top-tier cybersecurity talent charged with performing the aforementioned critical duties. An organization such as the Department of Homeland Security absolutely must be able to attract and keep these highly skilled and highly valued individuals in order to defend Federal networks and inform better policy.

Mr. ADERHOLT. I thank the gentleman for his continued leadership on cybersecurity matters and welcome the opportunity to engage him in this colloquy. Ensuring that the Department of Homeland Security has the resources needed to execute cybersecurity responsibilities entrusted to it is

extremely important to both the short-term and the long-term success of its critical cybersecurity roles.

I assure the gentleman that we will continue to examine how to best proceed to make sure the Department has adequately and effectively resourced to deter and defend against cybersecurity threats.

Mr. LANGEVIN. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman.

Mr. LANGEVIN. I thank the gentleman. In that spirit, I would like to encourage the gentleman to work together with Mr. PRICE on efforts to determine and address potential DHS cyber workforce challenges. Specifically, I believe it would be a great value to have DHS study a report on its efforts, challenges, and recommendations to address cyber workforce requirements at the agency.

Given their critically important roles with regard to Federal cybersecurity, I believe we absolutely must make sure that DHS can attract and, equally as important, retain the best and the brightest to defend our networks.

Mr. ADERHOLT. I appreciate the gentleman's views and I look forward to working closely with him in examining these issues as we move forward. I'll make every effort to address the workforce concern as we move toward conference on this bill.

Mr. LANGEVIN. I thank the chairman. I certainly look forward to working with my good friend to ensure that our Federal Government is properly addressing these critically important cybersecurity and cyberworkforce challenges. It's a very important issue, and I thank the chairman for all of his hard work and also thank Ranking Member PRICE for his outstanding work on this important bill.

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

EN BLOC AMENDMENT OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I have an amendment en bloc at the desk, and I would ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

SEC. ____. None of the funds made available by this Act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles.

SEC. ____. None of the funds made available under this Act may be used in contravention of immigration laws (as defined in session 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

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

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, this amendment combines three separate amendments which were outlined in our unanimous consent agreement earlier. The first, from Mr. ENGEL, has a limitation on funds for the lease or purchase of new light-duty vehicles that are not in accordance with the President's fleet efficiency standards.

□ 1940

The second amendment is from Mr. HOLT. It is a limitation on funds for the use of armored, unmanned aerial systems. And the third is from Mr. PRICE of Georgia. It's a limitation on funds being used in contravention of the Nation's immigration laws.

I would urge my colleagues to support the adoption of this en bloc amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. If I can ask the chairman a question on this, it says none of the funds made available by this act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles; is this from Homeland Security? Is this prohibition on Homeland Security?

Mr. ADERHOLT. That is correct.

Mr. DICKS. Has there ever been any plan to buy armed drones by Homeland Security?

Mr. ADERHOLT. No.

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

The Acting CHAIR. The question is on the en bloc amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The en bloc amendment was agreed to.

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

Mr. TURNER of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. (a) Except as provided in subsection (b), of the amounts made available by this Act, not more than $20,000,000 may be made available for surface transportation security inspectors.

(b) The limitation described in subsection (a) shall not apply to the National Explosives Detection Canine Training Program and Visible Intermodal Prevention and Response Teams.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TURNER of New York. Mr. Chairman, my amendment today seeks to limit funding for the surface transportation inspection program.

Mr. Chairman, at a hearing held by the Transportation Security Subcommittee of Homeland Security, of which I am a member, industry witnesses raised serious concerns about the efficacy of the surface transportation inspection program. Here are some of the concerns raised at the hearing:

Most surface inspectors have no surface transportation experience or surface security background whatsoever. Many surface inspectors were promoted from screening passengers at airports;

These inspectors report to the Federal security directors at local airports who commonly also do not possess any surface transportation experience.

At least one local TSA official indicated he is always looking for things for his inspectors to do to occupy their time;

Most surface inspectors have two things to look for in a typical day: whether a transit system is reporting incidents to the TSA and a box is checked on their clipboard, and whether there is a security person on duty, another box to be checked on a clipboard;

The work of these inspectors is redundant, performed by employees of other agencies, such as the Department of Transportation, OSHA or EPA, and on and on. What they do is ultimately slow down commerce on our Nation's rails and highways.

Since 2008, TSA has more than doubled the size of the transportation inspection workforce and quadrupled the program's budget. Yet, according to the majority of stakeholders we heard from, there has been almost no tangible improvement in security as a result of these investments.

Last year, TSA's entire surface transportation security budget was $126 million. Of this amount, surface inspectors cost taxpayers $54 million, which does not even include headquarters, administration, oversight, and staff associated with the program. This means that the surface transportation inspection program, which has been labeled as ineffective by a number of freight, rail, passenger service, bus, and mass transit agencies, is consuming more than 40 percent of the entire surface transportation security budget.

Millions of Americans rely on surface transportation every day. More than 8 million people use public transportation in New York City alone. Despite this need, less than 2 percent of the TSA's nearly $8 billion budget goes toward securing our Nation's surface transportation systems, and a large

portion of that limited budget is being squandered on this ineffective inspection program.

Surface transportation security is too important to our national economy and receives too small a portion of homeland security funding to waste a single dollar. Opponents of this amendment may argue that it will result in Federal inspectors being put out of work. It will not. We are transferring money to implement more productive security measures within TSA. The question is simply: Why should taxpayers, especially those who rely on surface transportation every day, have to fund a program that has no proven ability to enhance security?

My amendment today seeks to limit the inspector program budget to $20 million, which would substantially reduce its size, and allow the saved money to be put forward in other more effective surface programs, such as canine detection units, particularly at bus and rail stations. This amendment strengthens security. It addresses concerns raised by the very transit systems the program is designed to protect.

Today, I ask you to join me in supporting this measure.

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I confess to some puzzlement as to the intent of this amendment. Despite the gentleman's explanation, what he's doing here is, in effect, totally restructuring the surface transportation security program. He's limiting to $20 million the funds available for surface transportation security inspectors. That's a potential decrease of $70 million from the carve-out in the bill.

Now, he also, in the current draft of this amendment, excludes from the prohibition, excludes the national explosives canine training program and the VIPR teams, in essence shifting—he's not reducing funding overall. He's shifting a huge amount of funding to these two functions. I just don't understand the rationale for that, particularly when you consider the vital functions of the surface transportation security inspectors, why would we want to virtually phase them out? The mission of these individuals is to assess the risk of terrorist attacks for all nonaviation transportation, to issue potential regulations, to enforce existing rules and protect our transportation systems.

This proposed limitation could hinder rail inspections, baseline assessments, mass transit assessments, and risk mitigation activities. As I read the amendment, all these functions would be drastically compromised, and with them, I think the security of the traveling public. So I'm baffled by the amendment, but I feel constrained to oppose it and urge its defeat.

I yield back the balance of my time.

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

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

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose the gentleman's amendment.

I appreciate that he has brought this to our attention. I just found out about the matter today. I would like to work with the gentleman from New York. However, I do have concerns about the broadness of this amendment.

The TSA surface transportation security inspectors, or TSI, provide a number of security functions agreed on as a result of consultation with the State, Federal, local, and private stakeholders. In addition, the inspectors provide the subject matter expertise for FEMA to evaluate eligibility for surface transportation security grants.

The amendment that the gentleman brings up tonight would result in laying off about 240 inspectors, which is about 60 percent of the current workforce. This would be an excessive action to address what seems to be a need to better focus on the operations of surface inspectors. It would effectively take TSA out of the surface security realm at a time when we know terrorists and those interested in attacking our mass transit and other surface modes of transportation are focused on just that, so I urge my colleagues to reject the amendment.

I yield back the balance of my time.

□ 1950

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TURNER).

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

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

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

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 2 percent.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

(1) ''Analysis and Operations'';

(2) ''United States Secret Service—Salaries and Expenses'';

(3) accounts in title III; and

(4) accounts of the Domestic Nuclear Detection Office.

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

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, our Nation continues to struggle under an increasing mountain of debt. My constituents sent me to Washington to do something about the budget deficit. That's why I was one of the handful of Members who voted for the Simpson-Bowles budget—the only budget, I might add, of the five budgets considered by the House of Representatives that had bipartisan support. Republicans and Democrats have voted for it. So, too, I joined my colleagues on the other side of the aisle, in some, but not all, of the across-the-board cuts and cuts that have been proposed to various agencies in different appropriations bills.

This amendment is simple. It's a straight 2 percent cut across the board to this bill, exempting counterterrorism accounts. We shouldn't choose between protecting our country and cutting wasteful government spending. This was designed to protect the most politically sensitive and important accounts in this bill, namely, FEMA and antiterrorism activities, which was, of course, the original purpose under which President Bush composed the Department of Homeland Security, and it's an area that we should not sacrifice.

My amendment is really about safeguarding the American people without continuing to squander taxpayer dollars. The best thing we can do to safeguard the American people is balance our budget. The longer we fail to take action with regard to making the necessary cuts, the more we make ourselves economically beholden to foreign countries such as China. During this time of budgetary constraints when our deficit is spiraling out of control, we need to take every opportunity to eliminate unnecessary government spending.

Now, cutting government spending is never easy. It might mean jobs in different agencies, it might mean missions that we agree or disagree on. But I think cutting $640 million from an overall bill of $46 billion is a reasonable first step.

Now, in particular, the Department of Homeland Security has significant waste and abuse that can be targeted for reduction. It's had massive failures; and in these economic times, we shouldn't continue to reward failure of an agency.

There are so many frivolous programs in the Department it's really hard to know where to begin. Now, in the 2011 report, the independent GAO suggested 11 actions that DHS or Congress could take to reduce the cost of government operations; and yet of those 11 actions, only one has been fully addressed.

Take, for example, one example from the report that GAO found is that CBP's Arizona Border Surveillance Technology Plan is not accomplishing

its goal to support Arizona border security. The GAO made three recommendations last year to the program, and DHS has not taken them into action. This year's GAO report suggests Congress should consider limiting future funding to the program until DHS can show that they have addressed the flaws and they're able to work in conjunction with Arizona border security.

We can't continue to increase funding for a Department that fails to deliver. If this Department succeeded, Mr. Chair, why do we have 10 to 15 million people in this country illegally? Is this Department making a dent in that number? I think not. Will they make less or more of a dent with 2 percent less funding? I think not. We can't afford to continue to throw money down the toilet trying to build virtual or real fences at the border that can't prevent crossing, hurting our own stalled economy trying to police our way to restore the integrity of our laws.

Look, this country needs to address our broken immigration system. There are 10 to 15 million people in this country illegally. The Department of Homeland Security has failed. They have failed. Are we going to reward failure by increasing their budget, or are we going to penalize failure? Maybe if we finally do a 2 percent cut, they'll get the message that they can't just keep telling Congress they need more money. Every agency tells Congress, we need more money, give us more money. That's why this country is in this mess.

Look, make no mistake, if my amendment passes, the bill would still appropriate tens of billions of dollars to this Department, enough to continue all necessary activities and fully continue the funding enhancements to our antiterrorist programs. But it's imperative to the future of this country that we take real action to achieve fiscal sustainability and spur economic growth. We can take that first step today—and I've joined my colleagues on the other side of the aisle in support of similar amendments in the past with regard to different appropriations bills—by reducing government spending in this bill.

I urge my colleagues on both sides of the aisle to vote for my amendment.

Mr. DICKS. Will the gentleman yield?

Mr. POLIS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 15 seconds remaining.

Mr. POLIS. I yield the final 15 seconds to the gentleman from Washington.

Mr. DICKS. The only thing I would say to my friend is, if you know where all these programs are, you ought to cut the programs and not do an across-the-board cut. That is the easy way out.

Mr. POLIS. Reclaiming my time, I thank the gentleman. I urge support of the amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

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

Mr. ADERHOLT. Mr. Chairman, I rise in opposition because the amendment would slash critical funding for our Nation's homeland security. For the third fiscal year in a row, this bill that we have before us accomplishes a dual goal that we have constantly worked on—fiscal discipline and necessary funding for the homeland security needs of this country.

The bill reduces the departmental management by $191 million, or 17 percent, below the request and $71 million below last year. It demands efficiency from all agencies, including an overall reduction of the TSA of $147 million, or 3 percent. It cuts programs that are not performing and reduces bureaucratic overhead.

The Department is an Agency of 230,000 employees with an absolutely critical Federal mission. So I would urge my colleagues to join me in opposing this amendment.

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, our colleague from Colorado is a persistent critic of the Department of Homeland Security, and I think often his criticisms have force—for example, his remarks a few moments ago on the unneeded so-called ''sanctuary cities'' amendment. This amendment, though, I believe is an overreach, is indiscriminate, and I do feel constrained to oppose it. It would reduce funding for every frontline agency within the Department of Homeland Security by 2 percent.

The bill already includes a 1 percent reduction for the budget request, and it reflects the third year in a row that funding for the Department of Homeland Security has decreased. I think this amendment would do damage to our security. If this reduction were adopted, critical programs such as border security, immigration enforcement and transportation security would no longer be shielded from ill-advised cuts throughout the bill.

The reduction would require the Department to lay off crucial staff we've hired over the past 3 years, including more Border Patrol Agents, CBP officers at the ports of entry—and many of those ports of entry are already backed up—ICE investigators along the Southwest border, and Coast Guardsman who work on environmental efforts such as oil spills.

This reduction would also mean the Department would need to abandon critical research and technology procurements, the science and technology program that we're painstakingly building back from unacceptably low levels in the current fiscal year. These research efforts will better protect our aviation and transit systems, and we need to continue cutting-edge research.

□ 2000

We also need to protect our national security so that we can prevent or thwart attempted attacks before they occur. As we saw just last month, terrorists remain committed to attacking the United States, our citizens, and our allies.

Finally, with this amendment, front office and management activities would also be negatively affected. Already, this bill slashes funding by 21 percent below the administration's request.

I know that's an easy target, Mr. Chairman. There's no constituency out there for good management and for necessary administrative expenses. But believe me, cutting those front offices, cutting those administrative functions does affect front line operations at the end of the day.

The Secretary and her staff have to run the day-to-day operations of the Department. They need adequate personnel, adequate staff support. The offices are already operating on fumes. This additional cut would do great damage.

So this is an amendment that I believe, despite the offerer of the amendments good intentions and his conscientious critique of certain departmental operations, I believe the amendment is overly broad, would do damage, and should be rejected.

Mr. DICKS. Will the gentleman yield?

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

Mr. DICKS. I want to associate myself with the gentleman's comments and the chairman's comments on this amendment. We're talking here about homeland security, and we have been hit before. And we can't have a meat-ax, across-the-board approach. We would certainly oppose it if the other side was attempting to do it, and we have to have the same kind of discipline on our side.

I suggest, in good faith, to the gentleman from Colorado, if you've got all these reports and all these things about various programs that aren't functioning, offer amendments on each of those programs, and then we can vote on them and make a discerning decision. But just going across the board, I think, is the easy way out, and I urge rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. I thank the ranking member for his comments. I agree with them.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to enforce section 44920(F) of title 49, United States Code.

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

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, my amendment says that no funds in the underlying bill may be used to restrict access to the Screening Partnership Program, SPP program, of the Transportation Security Administration, TSA.

SPP is a pilot program that the Federal Government is using to test privatization at certain airports. Currently, there are 16 airports that participate in this program, and a 17th airport has just recently been approved. These airports have received overwhelmingly positive reports and feedback from passengers as well as security personnel alike.

In fact, last night I was talking with my good friend, Congressman CYNTHIA LUMMIS from Wyoming, and she was telling me about the success of the Jackson Hole Airport in Jackson, Wyoming, which is part of the SPP program. Almost three-fourths of all travelers in the State of Wyoming fly in and out of Jackson Hole, and Congresswoman LUMMIS said that the screening process there is top of the line. They've not had any problems whatsoever.

You see, airports can still be effective and do their due diligence without the Federal Government directing, dictating how their security should be set up.

I understand that the language in the underlying bill attempts to make access to SPP easier. However, the purpose of my amendment is to ensure that we don't ever use funds to restrict participation in the program, and here's an example of why.

Kansas City Airport is another airport that has been testing out privatization. They've been part of SPP for a few years and have received stellar customer reviews, with no reported problems.

Recently, though, the private contractor handling the security reapplied for the SPP program, but the administration denied their application. Even worse, the administration selected a different bidder that has no experience whatsoever in airport security. I don't understand this. This makes no sense, and it's a perfect example of how the administration will shut out good private contractors in order to ensure a lasting place in the Federal Government for the TSA.

Mr. Chairman, the SPP program will not only spur our economy by creating good jobs in the private sector, but it will also relieve some of the burdensome costs that the TSA imposes on our Federal budget. I urge my colleagues to support this commonsense amendment so that we can take privatization of the TSA one step further.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

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

Mr. ADERHOLT. Mr. Chairman, I rise reluctantly to to oppose the amendment of my good friend from Georgia.

I do support privatized screening; however, I'm concerned how the amendment that has been proposed by the gentleman would be applied. The effect of the amendment would be to prohibit TSA from canceling a contract for cause, such as the case where a privatized screening airport fails to comply with applicable laws and security requirements.

The amendment may be intended to restrain TSA from capriciously canceling contracts, but it would go too far, and it would tie the TSA's hands.

So again, I reluctantly cannot support my colleague's amendment, and I would urge my colleagues to vote ''no.''

I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I want to associate myself with the remarks of the chairman.

I confess to some confusion as to the exact intent of the amendment. Like some earlier amendments we were dealing with, it seems to have gone through many drafts. I'm not sure if the idea is to say you can't terminate an agreement or that somehow you can't restrict access to the program. But, in any case, it seems to me the problem with this amendment is a tying of the Administrator's hands when some flexibility and some judgment is called for.

I certainly have no objections to the principle of the Screening Partnership Program. If a private company can provide screening in accordance with TSA standards and a local airport authority wants to contract with them, so be it. In fact, this bill increases funding for the SPP by $15 million over current year levels.

But to say that under no circumstances can the TSA exercise discretion in granting these contracts or continuing them, I think, really goes too far. We need standards. We need qualified professionals to screen passengers. We need for the TSA Administrator to have some flexibility to protect the flying public. So if a private company fails or doesn't meet the standards, then they shouldn't be given this contract, and we have to have the flexibility to make sure that they don't receive the contract.

So I associate myself with the position of the chairman, and urge rejection of the amendment.

I yield back the balance of my time.

□ 2010

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used for Behavior Detection Officers or the SPOT program.

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

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. My amendment eliminates all funding for the behavior detection officers and for the Screening of Passengers by Observation Techniques program, better known as the SPOT program.

The SPOT program trains TSA behavior detection officers to monitor regular airline passengers for stress, fear, or deceptive behavior. The officers then are supposed to put any passengers who exhibit terrorist-like behaviors, such as stress, fear, and deceptive behavior, through a more rigorous screening process.

This seems to be reasonable, but actually, Mr. Chairman, it is laughable. These agents go through very minimal training, and they are hardly qualified to delve into the psychology of a possible terrorist.

This program was modeled after a very effective one used in Israel, but their agents go through a very extensive program of preparation for this line of work. Plus, they focus on a handful of airports in Israel as opposed to the hundreds that we have to worry about here in the United States. Moreover, almost any passenger having a bad day could be deemed a terrorist under the list of emotions that the agents are supposed to take note of. We've all stood in line and have seen the awkward, invasive pat-downs that many innocent passengers have to endure. Many of us have seen the crying children or elderly grandmas who suffer through these embarrassing protocols as we try to get through security. It has got to stop.

I would also like to point out that the SPOT program costs us a quarter of a billion dollars to operate annually, and it will require more than $1.2 billion over the next 5 years. We don't have that kind of money to spend on a program that just simply does not work. Believe me, it doesn't work.

The Government Accountability Office has found that 17 known terrorists, all who are on the No Fly List, have been able to board airplanes over 24 different times from eight different SPOT-certified airports. There are 17 terrorists on the No Fly List who have boarded airplanes at least 24 times at eight different SPOT-certified airports. In fact, the GAO also found that not one terrorist—not one—has been caught by the SPOT program. The program has not been scientifically validated anyway.

Mr. Chairman, that alone is enough to convince me that the SPOT program is a waste of our time, a waste of our money, and is flat out not working. So let's get rid of it and, instead, invest our resources in intelligence and in technologies that help us catch terrorists before they ever step foot inside an airport in the first place.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. ADERHOLT. I do appreciate the gentleman's oversight concerns and his suggestions on how we can make this a better program. However, behavior detection officers are actually a meaningful layer of our Nation's risk-based approach to security.

While there have been questions about the overall size of the program and the science behind it, this committee has continued to address any concerns through robust oversight. I would welcome the opportunity to work with the gentleman from Georgia on how we might address these concerns, but this does not mean that we should completely destroy a program that is designed to counter new and evolving tactics being developed by terrorists and our adversaries as we speak.

As recently as last month, after a foiled terrorist plot that originated in Yemen, we learned that our enemies are still actively plotting to hit our aviation sector. These operatives are devising new methods for attacking this Nation, and some of them are more difficult to detect using the traditional screening methods that we normally see in the airports. This is where the behavior detection officers come into play. These officers serve as additional layers, as I mentioned, of defense to root out these adversaries who would try to slip through our defenses.

This committee will continue to make sure that the BDO program is rightly sized and that the Department validates the science behind it. It is something that we have certainly focused on this year and that we need to continue to focus on. Again, cutting the entire program would be irresponsible and would open up holes in our Nation's security posture, particularly in light of the continued attempts to attack our Nation's transportation system.

I would urge my colleagues to oppose the amendment, and I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. I would associate myself with the words of the chairman and also oppose this amendment.

The behavior detection program utilizes specially trained individuals to identify potentially high-risk passengers. It's not a new or a novel idea. In fact, it has been a cornerstone of the Israeli Government's aviation security for many years. Administrator Pistole, a man who has spent his entire professional career dedicated to protecting this country, does believe in this program. He is also attempting to refine it and to utilize it to its fullest potential.

Our committee has resisted greatly expanding the program. In fact, we don't fund the administration's request for an additional 75 officers, and we do reduce the funding by $7 million. The program is important. It is part of a layered system of security, so it would, I think, not be wise to eliminate the program altogether. I think it would be unsafe, in fact, so I urge the rejection of the amendment.

Mr. DICKS. Will the gentleman yield?

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

Mr. DICKS. In my own State of Washington, we had Ahmed Ressam, the millennium bomber. He came across from Victoria on a ferryboat, and as he was going through the search procedures, he showed anxiety. Because of that, he was sent over for a secondary screening. He got out of his car and ran, and he was captured, actually, by former prosecutor Dan Clem from Kitsap County, my home county. This is an example. This was a guy who was going to go to Los Angeles and blow up Los Angeles' LAX Airport. Because of his behavior and the alertness of the officers to know that this person was showing signs of anxiety, we were able to thwart that.

So I'm with the chairman and the ranking member here. Let's not do something precipitous. Let's defeat, as we always do, the gentleman's amendment.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAVAACK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

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

The Chair recognizes the gentleman from Minnesota.

□ 2020

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment to the fiscal year 2013 Homeland Security appropriations bill to prohibit Immigration and Customs Enforcement, ICE, from using taxpayer dollars to process the release or administer alternatives to detention to illegal immigrants who commit a crime in violation of section 236(c) of the Immigration and Nationality Act.

Importantly, this section requires the U.S. Government to detain illegal aliens who have committed serious crimes until the illegal alien is deported to their home country. For example, section 236(c) would require ICE to detain an alien that committed murder until the alien is deported.

I think this is a very commonsense provision. In fact, my opinion is that criminal illegal aliens shouldn't be in the United States in the first place, but that's a debate for another day.

Make no mistake, I believe that the vast majority of ICE employees are great Americans, and I personally appreciate the work they do to ensure the Nation remains a nation founded under the rule of law. However, ICE does not always operate in accordance with section 236(c). For example, ICE has allowed criminal illegal aliens who are waiting for a deportation hearing to leave Federal detention facilities and reenter the general public if the criminal illegal alien is fitted with a GPS tracking device or regularly checks in with an ICE supervisor. This is very troubling to me, Mr. Chairman.

In August 2010, ICE policy for releasing dangerous criminal aliens proved deadly. According to a Freedom of Information Act report, illegal alien Carlos Montano was sentenced to over a year in jail for a second DUI and was released from ICE custody wearing only a GPS tracking device. This is in direct violation of section 236(c) and is a violation that had tragic consequences. On August 1, Montano got drunk, got behind a wheel, and collided head on with a vehicle carrying three nuns. The head-on collision killed 66-year-old Sister Jeanette Mosier of Virginia.

To protect innocent citizens from criminal illegal aliens, I firmly believe we need to enforce our immigration laws, especially section 236(c). Mandating the detention of dangerous criminal illegal aliens is plain common sense.

Last year, this amendment overwhelmingly passed the House in a bipartisan vote, but the provision was stripped out in conference. So I'm offering the amendment again this year.

I urge my colleagues to support this amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would like to say that we would agree with the gentleman from Minnesota's amendment and would support it and think it's a good idea.

Mr. CRAVAACK. I thank the gentleman.

And I also believe that this is a good use of taxpayer dollars. I do not believe in releasing illegal immigrants that commit serious crimes.

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

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I have read this amendment carefully, and we dealt with it, as colleagues may remember, on the floor last year.

The gentleman offering the amendment says it does nothing but restate existing law, but, at a minimum, it sends a strong anti-immigrant message.

The gentleman says the amendment prohibits the use of funds by ICE to process the release of illegal immigrants to administer alternative forms of detention to immigrants who have committed crimes which supposedly mandated incarceration. If we're following the existing law, I don't understand the need for this language, the need for this amendment.

Mr. CRAVAACK. Will the gentleman yield?

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

Mr. CRAVAACK. Sir, ICE is not following existing law, and this would prohibit the funds to ensure that those funds would not be used to allow illegal immigrants that have committed heinous crimes to be readmitted back into the public for any reason.

Mr. PRICE of North Carolina. If ICE is not enforcing existing law, then ICE needs to be brought into line. But this amendment, you're saying, does not add to existing law.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. Yes.

Mr. CRAVAACK. This would prevent illegal aliens from being released back into the general public that have committed crimes either on a bracelet or by ''checking in'' with their ICE supervisor.

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

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

Mr. POLIS. I thank the gentleman for yielding.

This amendment highlights the flip side of this issue in some alternate reality university.

There is a real issue with detention. The issue is not that criminal aliens are being released. They are not. The real issue is we're continuing to pay for the ongoing and indefinite detention of noncriminal aliens at a great cost to taxpayers. We're putting illegal immigrants who have committed no crime—may have violated our civil code—up at detention facilities to the tune of $120 a night when alternatives to detention, proven effective, cost $15 to $20 a night. It's like some alternate reality.

There is a real problem. It's not that criminal aliens are being released. They're not. By the way, if they are, then we need to focus on detaining criminal aliens. There's no disagreement in this body. But why are the noncriminal aliens caught up in this net?

At our detention facility of ICE in Aurora, which is outsourced to a private provider, it's only 40 percent of the detainees that are criminal aliens and 60 percent that are not. Why aren't we talking about saving money, spending $15 or $20 instead of $120 per night putting illegal immigrants up at expensive hotels? Why aren't we talking about that? This is like some alternate reality that I simply can't understand.

The amendment doesn't do anything. We're not releasing criminal aliens nor should we. Nobody thinks we should.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, that's the point. There is no evidence that the gentleman has presented or that I've seen that ICE is, in fact, releasing or holding in alternatives to detention people who, according to the law, should be detained. The law is what it is. This amendment does not add or subtract to the law. It clearly insinuates that things are going on that we have no evidence that are occurring. For that reason alone, it seems redundant on one level, but has a misleading and hostile message on the other. I urge its rejection.

ICE isn't pursuing alternatives to detention in cases where they shouldn't be doing so. I see no evidence for that. In fact, I think alternatives to detention often are useful and certainly more cost effective, and the absconding rate is very low. If we have people who should be detained, then of course we should detain them. But the notion that ICE is not doing that, that ICE is pursuing these other alternatives with people who really shouldn't have access to them, is not accurate. For that reason, I urge rejection of this amendment.

I yield back the balance of my time.

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

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

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

Mr. CRAVAACK. Mr. Chairman, I don't know what alternate reality they're speaking of. I'm speaking of the reality of this world. I'm speaking of Mr. Montano, who got drunk and got behind a wheel of a car because he is on a GPS tracking device after committing a heinous crime and being tracked, supposedly, by ICE.

□ 2030

I'm taking about illegal aliens that are let into our society, and the majority of whom don't come back to their supervisor, but they also just disappear into the fabric of the country. That's the reality that I'm speaking of to protect the American public from illegal aliens that are illegally in the United States that have created a heinous crime against Americans. This is the reality that I'm speaking of.

This law will defund ICE to ensure that illegal aliens that have committed heinous crimes that are not deported back into their home countries are kept detained until such time as they are deported or remain in custody.

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

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

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

Mr. DICKS. I yield to my good friend from Colorado. He will tell us more about the alternate reality, I think.

Mr. POLIS. I thank the gentleman from Washington.

Look, if criminal aliens are not being detained in accordance with the law, simply restating the law won't change that.

Again, what's happening today is noncriminal aliens are being detained. What does that mean? It means that mothers are torn from their sons. It means that fathers are torn from their daughters. It means that spouses and families are torn apart across our country who have not committed any crime.

Now, criminal aliens represent a significant percentage of the illegal immigrants in detention. We all agree that they should be detained. We're not talking about paroling, we're not talking about alternative detention for criminal aliens.

Now, how could we address this problem in a real way, in the real world, to ensure that we have enough beds to contain criminal aliens? The best way to do that is not detain noncriminal aliens. Then we have enough beds, we have enough security. We save money, and we can make darn sure that criminal aliens aren't exempted from detention.

Let's talk a little bit about Colorado. At our Aurora detention facility, we have about 450 beds. Now, we have more demand than that; and like in many States, our county jails are used as detention facilities.

Now, the counties are reimbursed by the Department of Homeland Security. By the way, it's another Federal bailout of the prison industry. Many of them are private prisons. But, again, our Federal Government is paying $120 a night, $150 a night, $100 a night for the detention of noncriminal aliens.

If people are being let go because there is no room for them, it's because we're filling the cells with innocent mothers, with innocent children, with families being torn apart. That's the only reason I could think of why anybody who has committed a crime might be let go.

Look, if we're serious about making sure that anybody who represents a threat to our society is detained until they are deported or sentenced, we need to do something about noncriminal aliens and make sure that we can fully embrace the successful alternatives to detention, which not only allow families to be together, parents to be with their kids, parents to participate in school conferences, parents who participate in making sure that their kids have food on the table, but also save taxpayer money and keep those beds open for criminal aliens about whom there is no disagreement whatsoever, who should remain safe from society and be kept behind bars.

This amendment restates something which already is the law and is not an actionable change. If we want to make an actionable change, I would be happy to work with my friend to do so to make sure these beds aren't being taken up by noncriminal aliens and that we could aggressively pursue alternative detention for those who have not committed any crimes in this country and whose only violation is a civil violation.

There is a legitimate issue here. We want to make sure that criminal aliens are detained and deported. There is no disagreement about that.

To do so, rather than simply restating something that's obvious and already the case, we should move forward in making sure that we target our resources. We target our limited resources after criminal aliens rather than the vast majority of our illegal population, which is engaged in a civil violation but are not threats to society.

We're talking about people that are important to our economy and important to our communities, the fabric of our communities. We're talking about the president of the student body in a high school in my district who happens to lack documentation. We're talking about families that play important economic roles in our district in agriculture, in service industries, across various sectors. We're talking about consumers in our stores, driving the demand and driving support for job creation in the middle class.

Are there people who are a threat to society? Yes. Some are Americans, some are green card holders, some are here illegally. I think across the board we agree that those who are a threat to society need to be removed from society as expeditiously as possible.

We can do so more expeditiously and more efficiently if we can reform our detention system to make sure that we're not catching all the noncriminal aliens up in the system because they happen to be in the wrong place at the wrong time.

Mr. DICKS. Reclaiming my time, do you think they deserve a trial? Do these people deserve a trial.

Mr. POLIS. Absolutely, they deserve a trial.

Mr. DICKS. I mean, there has to be some kind of legal process.

Mr. POLIS. That's right. The way that they do this in our Aurora detention facility, they have criminal aliens who wear a red jump suit. Noncriminal aliens wear a yellow jump suit. So they wear different jump suits. They're in different areas of the detention facility, in part because we don't want the criminal element, including some gangs, to corrupt or taint the noncriminal aliens that are there too. They are separated out.

But we're paying 120 bucks a night for all of them. Why not focus that enforcement effort on the criminal element to detain and deport them, rather than separating and stripping the mothers of their child?

I oppose the amendment.

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

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

The amendment was agreed to.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, at this time I would like to yield to our colleague from the authorizing committee, the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member and the ranking member of the full committee and ranking member of the subcommittee for their courtesies, and I think clearly over this process that we've had an opportunity, as authorizers, to work with our friends on the Appropriations Committee.

I wanted to have the opportunity to share what I think is important information, an amendment that I believe and hope that the policy aspect of these amendments we can work together in conference to ensure we've come to a meeting of the mind.

I look forward to working with the conferees and working with the Senate to make some corrections. Last evening, my amendment to help to restore the mission of FAMs was, in essence, an amendment that needs to be clarified. I again rise with the policy amendment that would help FAMs, the Federal Air Marshals, which I think I could poll any American and ask them the question as to whether or not Federal Air Marshals are, in fact, a crucial element of our security.

Today in our hearing, Administrator Pistole, in a direct question that I asked of him as to whether a $50 million reduction would reduce the mission and the security aspect of the Federal Air Marshals, his emphatic answer was, yes, that is what is happening.

I think that we should streamline and be efficient, but my amendment that we were hoping that would be discussed was an amendment to restore the $50 million. It should be noted that this was taken from $5 billion, and many Members thought we were, in essence, drawing resources that were taken away from a small pot; but of $5 billion, we are simply asking that 50, 51 would be taken out to restore the mission of FAMs and to respond to concerns about cabin security.

Mr. Chair, I rise today to offer my amendment 404 to "the FAMS Appropriation in Fiscal Year (FY) 2013." The House Report has recommended reducing the FAMS budget by $50 million. It is my sincere belief that this is a detrimental mistake. This recommendation ignores FAMS' integral part in the homeland security mission. If FAMS loses $50 million to its budget it will result in the virtual shut down of the FAMS program.

Flight coverage is controlled by two outstanding factors: the number of FAMs available and the Mission Travel Budget which includes hotel and per diem costs. These constraints directly impact FAMS ability to perform optimally. They are outlined in the FAMS risk-based concept of operations (CONOPS). International flights are the highest risk followed by large plane and long haul flights.

With the reduction, FAMS will be forced to choose whether domestic or international flight coverage will be decreased. If domestic flights are maintained, then international flight coverage must be cut by 20 percent. Keep in mind that as I stated, international flights are the highest risk operations. By contrast, if international flights are maintained, domestic flight coverage must be cut by as much as 30 percent. This domestic reduction does not take into account the 10 percent decrease noted in the President's proposed budget. In total, FAMS domestic coverage will face a crippling 40 plus percentage reduction that FAMS has not experienced since Christmas Day 2009. I mention this date because on Christmas Day in 2009, a failed attack forced Congress to increase FAMS' size to cover both domestic and international flights. It was clear then that Congress recognized flight vulnerabilities that have since been all but forgotten. While we believe that we cannot afford the FAMS budget, what we truly cannot afford is a successful attack to our security.

It is important to note that FAMS is exploring alternative cost saving efforts. FAMS plans to extend its current hiring freeze into FY 2013 as mandated by the President's Budget. The reduction combined with limited employees

would severely undermine FAMS mission. The hiring free will extend to administrative personnel in FY'13. FAMS will also implement a furlough of all FAMS personnel of three to five days, reduce mission coverage, assess which offices can be shut down and consider a reduction in force (RIF) to strategically reduce on-board staffing levels. In addition, FAMS will undergo a significant decline in critical operational programs including travel, information technology and logistical support.

I must stress again that any reduction to the FAMS budget goes beyond the reasonable operational abilities of this program. It will severely impact our aviation security and impede the good work and progress of this program. For these reasons and more I urge my colleagues to restore the $50 million to the FAMS budget.

AMENDMENT TO H.R. 5855, AS REPORTED

OFFERED BY MS. JACKSON LEE OF TEXAS

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

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Security, Enforcement, and Investigations—U.S. Customs and Border Protection—Salaries and Expenses'', by increasing the amount made available for ''Federal Air Marshals'', and by reducing the amount made available for ''Research and Development, Training, and Services—United States Citizenship and Immigration Services'' by $25,000,000, $25,000,000, and $50,000,000, respectively.

In addition, we have an amendment that I hope the policy of it will be moved in conference, the overall look of adding resources to the Transportation Security Administration, particularly TSA, in the amount of $50 million, that will help restore the reduced mission of the Federal Air Marshals, more training, professionalism; but there is no doubt we have to close offices, we have to furlough FAMs, and we have to be able to try to meet the concerns of, in essence, the question of cabin security.

□ 2040

It is very difficult to not have this $50 million. I am going to work with conferees, and I hope to work with the ranking member and the chairperson to see the value of providing some restoration to the FAM dollars.

Mr. Chair, I rise today to offer my amendment to H.R. 5855, Making Appropriations for the Department of Homeland Security for the Fiscal Year ending September 2012. Jackson 405 amendment will increase the budget for the Transportation Security Administration by $50 million.

The Transportation Security Administration, which was created in the aftermath of 9/11, nothing is more important to me than the safety of the traveling public. TSA, informed by the latest intelligence, researches and deploys technology and constantly evaluates and updates screening procedures in order to stay ahead of the evolving threats to aviation security.

The United States has a complex and interconnected transportation network that has developed primarily over the last 100 years, and is what makes our fast-paced lives possible. Our ability to travel efficiently from place to place and to transport materials and consumer products around the world is essential to our modern lifestyle, and to our nation's security and economic health. At the same time, our transportation infrastructure (e.g., roads, bridges, bus stations, railways and railway stations, airports, inland waterways, seaports and pipelines) is vulnerable to damage from both natural and man-made disasters.

The transportation infrastructure in the United States includes: Aviation, 5,000 Public Airports; Passenger Rail and Railroads, 120,000 Miles of Major Railroads; Highways, Trucking, and Busing, 590,000 Highway Bridges; 4,000,000 of Public Roadways; Pipelines, 2,000,000 Miles of Pipelines; Maritime, 300 Inland/Coastal Ports; Mass Transit, 500 Major Urban Public Transportation Operators.

In the event of a natural disaster or terrorist attack, damage to transportation systems can result in injury and loss of life, hamper emergency evacuation from the scene of the disaster, and inhibit rescue workers' ability to get to the scene to provide aid. Sometimes, as in the case of Hurricane Katrina, the existing transportation systems, even if undamaged, are insufficient to effectively evacuate a disaster area. Recovery from a disaster can take years and be very expensive for individuals, private companies and government agencies.

Focusing on transportation security means that we are doing what we can to predict, plan for and prevent, if possible, these catastrophic events. This includes developing resilient transportation systems, mitigating the effects of a disaster, and planning for recovery.

I ask my colleagues to join me in increasing the budget for TSA.

Also, I think it is very important on this question of Buy America, and that is legislation that requires the Department of Homeland Security funds to, in this time of unemployment, be used for American companies only. One might say we already have a Buy America. Well, let me just educate my colleagues. In the issue of screening, where there is this desire to have a Screening Partnership Program through the FAA legislation that was passed in February, the prohibition of using foreign companies to screen Americans in United States airports was removed. And so foreign companies can now be our screeners. That, of course, is a question of jobs. It is particularly a question of Federal dollars dealing with security going to foreign-owned companies.

This amendment is a crucial amendment. I wish my colleagues would have allowed it on the floor of the House. But I believe that this should be a matter taken up under the security premise as to whether or not, even if there is a provision for the Screening Partnership Program, which, again, Mr. Pistole indicated that the $15 million that was allotted out of our screening program was going to undermine the screening program, the federally based screening program, that our system should be federally focused. But if there is an SPP, if there is a Screening Partnership Program, the idea of having foreign-owned companies secure the contracts, take away American jobs, and then be screening Americans, is ludicrous at best.

I would encourage individuals that we can work together. I look forward to working together.

Mr. Chair, I rise today to offer my limitation, amendment 403 to H.R. 5855, the ''Department of Homeland Security Appropriations Act in Fiscal Year (FY) 2013.'' Under my amendment, DHS funds will only be allocated to companies controlled by U.S. citizens. In the midst of an economy that continues to maintain a high unemployment rate, it is imperative that we do everything in our power to ensure that American tax dollars support American businesses which will in turn support our citizens and our families. Private companies that perform security screenings at our U.S. airports are no different. Security protection laws and private vs. federal screening disagreements aside, we must ensure that we hire our own American companies.

Unlike other aspects of aviation security that are subject to multiple hearings before Congressional committees, there have been no hearings or findings of fact to establish the security risk of allowing foreign owned companies to perform screening at U.S. airports. Prior to this year, the Screening Partnership Program (SPP) allowed some U.S. airports to opt-out of using federal screeners. In addition, 40 U.S.C. § 44920 prohibited TSA from entering into contracts to provide private screenings of passengers and bags by any company that was not owned and controlled by a citizen of the United States. Congress changed this requirement in February with the FAA Modernization Act that included a waiver of the requirement that private screening contracts only be awarded to U.S. owned companies.

According to the Defense Security Service, a U.S. company is considered to be under foreign ownership, control or influence ''when a foreign interest has the power, direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the company in a manner which may result in unauthorized access to classified information or may affect adversely the performance of classified contracts.''

By allowing foreign companies to conduct security screenings at our airports, we leave ourselves vulnerable to foreign interests taking precedence in the safety of our citizens and the security of our flights.

It is no secret that aviation security in the U.S. remains a focus of Al Qaeda. In thwarting attacks, it is not enough to merely mitigate a hostile, foreign influence. Any access to intelligence, technologies, policies or procedures that could be communicated to foreign terrorists must be avoided entirely. Concerns about national security have led to tighter guidelines for federal government approval of foreign acquisitions of U.S. companies by foreign investors and the granting of federal contracts to foreign owned companies. But they neglect the other important issue at hand—the loss of opportunities for American companies.

The law establishing the opt-out program in 2001 required the head of TSA to determine there are private screening companies owned and controlled by U.S. citizens to perform screening contracts. There is no evidence of any shortage of U.S. owned security companies to perform screening when an application is granted.

We must not allow foreign owned companies to perform screening at any U.S. airport. The U.S. should not reopen itself to a risk of

lives lost and damage to the aviation industry and the U.S. economy by opening the door to the risk of another attack by Al Qaeda or any other terrorist group outside the U.S. In addition, American tax dollars should support our American businesses and our people. For these reasons and more I urge my colleagues to include my limitation amendment to the DHS appropriations bill.

AMENDMENT TO H.R. 5855, AS REPORTED

OFFERED BY MS. JACKSON LEE OF TEXAS

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

SEC. ____. None of the funds made available by this Act may be obligated for a contract entered into under section 44920 of title 49, United States Code, with a private company that is not owned and controlled by a citizen of the United States.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

First amendment by Mr. KING of Iowa.

Second amendment by Mr. KING of Iowa.

First amendment by Mrs. BLACKBURN of Tennessee.

Second amendment by Mrs. BLACKBURN of Tennessee.

An amendment by Mr. SULLIVAN of Oklahoma.

An amendment by Mr. TURNER of New York.

An amendment by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Iowa (Mr. KING) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 18, as follows:

[Roll No. 362]

AYES—224

Adams
Aderholt
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)

NOES—189

Ackerman
Amodei
Andrews
Baca
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Flake
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth
Young (IN)

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Griffin (AR)
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2107

Messrs. ISRAEL, PASCRELL, DAVIS of Illinois, and WOODALL changed their vote from ''aye'' to ''no.''

Messrs. HARPER, PEARCE, GRIMM, NUGENT, and COFFMAN of Colorado changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 362, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Iowa (Mr. KING) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 175, not voting 18, as follows:

[Roll No. 363]

AYES—238

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert

Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—175

Ackerman
Amash
Andrews
Baca
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Kucinich
LaTourette
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2112

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 363, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 282, not voting 18, as follows:

[Roll No. 364]

AYES—131

Adams
Alexander
Amash
Amodei
Bachmann
Bachus
Barton (TX)
Benishek
Bilbray
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Canseco
Chabot
Cravaack
Culberson
Davis (KY)
Duncan (SC)
Duncan (TN)
Ellmers
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Harper
Harris
Hartzler
Heck
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Nugent
Nunnelee
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Rigell
Roby
Rokita
Rooney
Roskam
Ross (FL)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southerland
Stearns
Stutzman
Sullivan
Terry
Tipton
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)

NOES—282

Ackerman
Aderholt
Altmire
Andrews
Austria
Baca
Barletta
Barrow
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kissell
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)

Nadler
Napolitano
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Renacci
Reyes
Ribble
Richardson
Richmond
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NOT VOTING—18

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
King (IA)
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2116

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 364, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 210, not voting 17, as follows:

[Roll No. 365]

AYES—204

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Black
Blackburn
Bonner
Bono Mack
Boustany
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Coffman (CO)
Conaway
Cravaack
Crawford
Culberson
Davis (CA)
Davis (KY)
DeFazio
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pelosi
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Tiberi
Turner (NY)
Upton
Walberg
Walden
Walsh (IL)
Waters
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (AK)
Young (IN)

NOES—210

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Buerkle
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Engel
Fattah
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Gutierrez
Hahn
Hall
Hanabusa
Hastings (FL)
Hayworth
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Womack
Woolsey
Yarmuth
Young (FL)

NOT VOTING—17

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2122

Mr. COLE changed his vote from "aye" to "no."

Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, and Mr. LOEBSACK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 365, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. SULLIVAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 164, not voting 17, as follows:

[Roll No. 366]

AYES—250

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—164

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2126

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. THOMPSON of Pennsylvania. Mr. Chair, on rollcall No. 366 I inadvertently voted "no," I meant to vote "aye." Had I voted correctly, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 366, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TURNER) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 314, not voting 16, as follows:

[Roll No. 367]

AYES—101

Adams
Amash
Bachmann
Barletta
Barton (TX)
Benishek
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chabot
Chaffetz
Cravaack
DeFazio
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleming
Flores
Foxx
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Harris
Hartzler
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Issa
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Labrador
Lamborn
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Marchant
McClintock
McHenry
McKinley
Meehan
Mica
Miller (FL)
Mulvaney
Neugebauer
Nunnelee
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Quayle
Ribble
Rohrabacher
Royce
Ruppersberger
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southerland
Stearns
Stutzman
Turner (NY)
Walberg
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Young (AK)

NOES—314

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Barrow
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Hurt
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kinzinger (IL)
Kissell
Kline

Lance
Landry
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis
Pompeo
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NOT VOTING—16

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2130

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 367, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 316, not voting 16, as follows:

[Roll No. 368]

AYES—99

Adams
Amash
Barton (TX)
Becerra
Benishek
Black
Blackburn
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Chabot
Chaffetz
Cooper
Deutch
Duffy
Duncan (SC)
Duncan (TN)
Eshoo
Fincher
Flake
Flores
Foxx
Franks (AZ)
Garrett
Goodlatte
Gosar
Gowdy
Graves (GA)
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hartzler
Hastings (FL)
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)
Jordan
Kind
King (IA)
Labrador
Lance
Lankford
Larsen (WA)
Lee (CA)
Lofgren, Zoe
Lummis
Lynch
Mack
Manzullo
Marchant
McClintock
Miller (MI)
Moran
Mulvaney
Napolitano
Neugebauer
Nunnelee
Pastor (AZ)
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Price (GA)
Quayle
Ribble
Rigell
Rohrabacher
Royce
Ryan (WI)
Schilling
Schweikert
Scott (SC)
Scott, Austin
Serrano
Sessions
Speier
Stearns
Stutzman
Tiberi
Upton
Velázquez
Walberg
Walden
Walsh (IL)
Wilson (SC)
Woodall

NOES—316

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Landry
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Maloney
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Moore
Murphy (CT)
Murphy (PA)
Nadler
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2133

Messrs. GARRETT and KING of Iowa changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 368, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2013".

Mr. ADERHOLT. 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.

REED) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 667, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? 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.

MOTION TO RECOMMIT

Mr. TIERNEY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 5855 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 19, line 18, after the dollar amount insert ''(reduced by $16,630,000)''.

Page 32, line 16, after the dollar amount, insert ''(increased by $16,630,000)''.

Page 39, line 20, strike ''$150,000,000'' and insert ''$490,300,000''.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, tonight I rise to offer the final amendment. I want to be clear that this is a final amendment to the bill. It will not kill the bill, nor will it send it back to committee. If it's adopted, the bill will be voted on immediately as amended.

Let me start by saying that it's unfortunate that the House Republicans unilaterally reneged upon the agreed upon discretionary caps that were established by the Budget Control Act. Their doing so—just to finance more tax cuts for people that were already tremendously well-off—has resulted in the Appropriations Committee having to absorb $19 billion in reductions below the Budget Control Act. So I recognize, Mr. Speaker, that subcommittee Chairman ADERHOLT and Ranking Member PRICE did the very best that they could with this bill given the subcommittee's allocation. Nevertheless, I offer this final amendment that focuses on two important areas: combating the increasing cyberthreat facing this country and protecting our urban areas from terrorist threats.

This week's Washington Post pointed out that in recent years, there have been numerous revelations about how the unknown vulnerabilities of our networks and cyberinformation were used to break into systems that were assumed to be secure.

□ 2140

One came in 2009 targeting Google, Northrop Grumman, Dow Chemical and hundreds of other firms when hackers from China penetrated the targeted computer systems. Over several months, the hijackers siphoned off oceans of data, including the source code that runs Google systems. According to the same article, another attack last year took aim at cybersecurity giant RSA, which protects most of the Fortune 500 companies.

But it's not only a problem for the largest companies. In fact, according to Reuters, 40 percent of all the targeted Internet attacks are directed toward more vulnerable companies with fewer than 500 employees.

Mr. Speaker, I expect the chairman will defend this bill's investments in cybersecurity and, again, I appreciate that. He did what he could do, and we should be doing more. While we spend more than China, Russia, and the next eight countries combined ensuring that our military superiority is intact, we have not taken that same sense of purpose to cybersecurity.

My amendment does precisely that, adding $17 million in new funding to the National Protection and Programs Directorate for additional cybersecurity personnel, including training and education opportunities to grow the future cybersecurity workforce. With repeated and increasingly dangerous threats to our Federal and private cybernetworks, it's critical that we have staff with the utmost up-to-date training and skills to address these threats.

The final amendment also increases the bill's investment in Urban Area Security Initiative grants from $150 million to $490.3 million. This will not take money away from anybody; it just reallocates the distribution. This is the amount Secretary Napolitano devoted to the Urban Area Security grants in 2012. As my colleagues know, these grants are intend to protect the highest risk and highest density urban areas from terrorist threats. These grants have been substantially reduced under the Republican majority, and these reductions have put our Nation's most populated areas at greater risk.

With that, Mr. Speaker, I yield to my colleague from New York.

Mrs. LOWEY. While I appreciate language in the bill set aside for high threat areas, I fear that it's simply insufficient to combat the threats we know are facing our most populated cities.

This motion simply raises the floor that must be spent protecting our major population levels to be equal to current levels. The amount of money dedicated to urban areas has dropped from $887 million in 2010, $725 million in 2011, to now under $500 million, yet the threats we face have not diminished.

I thank the gentleman for offering this motion and yielding, and I urge my colleagues to vote to protect our critical population and economic centers.

Mr. TIERNEY. Reclaiming my time, Mr. Speaker, this final amendment improves the underlying bill and hopefully will garner bipartisan support. Let's take these additional threats to combat cyberthreats, but step up our efforts to protect our urban areas from terrorist threats. Please support the motion to recommit.

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

Mr. ADERHOLT. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, this bill is already robust on cybersecurity. It provides a substantial increase in every cybersecurity program across the Department.

Furthermore, this bill already does more for grants to high-risk areas than any previous DHS appropriations bill, and we increase grants by more than $400 million. Let me repeat that: By more than $400 million we increase grants.

In short, this motion is not needed. This bill cuts spending overall, but it also fully sustains all frontline and high-risk operation. It is a balanced bill. It is a disciplined bill. It is a bill worthy of support.

Mr. Speaker, it's time to vote. It's time to meet our Nation's needs for security and fiscal restraint. I urge my colleagues to reject this unnecessary motion and to enthusiastically support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 165, noes 251, not voting 15, as follows:

[Roll No. 369]

AYES—165

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—251

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Akin
Baldwin
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2159

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 369, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

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

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 182, not voting 15, as follows:

[Roll No. 370]

YEAS—234

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—182

Ackerman
Amash
Andrews
Baca
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Flake
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)

Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Stearns
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Baldwin
Bilirakis
Coble
Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal
Paul
Runyan
Shuler
Slaughter
Towns

□ 2207

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 370, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, and 370. Had I been present, I would have voted "aye" on rollcall vote Nos. 360, and 369. Had I been present, I would have voted "no" on rollcall vote Nos. 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, and 370.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permissions granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 7, 2012 at 6:08 p.m.:

That the Senate passed S. 3261.

That the Senate passed without amendment H.R. 5883.

That the Senate passed without amendment H.R. 5890.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 2210

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

Mr. BROUN of Georgia. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

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

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Georgia (Mr. BROUN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that our country is facing an unprecedented fiscal emergency. We're broke as a Nation. While a number of us believe that the Federal Government's spending must be limited from the very start, it's clear to most of us here that any spending that we do must be offset. We cannot continue to build debt for our children and our grandchildren.

In most cases, when we wish to increase spending, we are presented with a very difficult choice: whether to increase taxes, as some would have us to do, or reduce spending in other areas of the Federal Government. But the case before us today, the Federal highway system, is different from most Federal programs.

Much of the spending in the underlying bill is filtered through the highway trust fund, which was built on a unique principle of ''user pays.'' Unlike most government programs which rely on general tax revenues, the programs which provide for new roads and highway improvements are paid for by highway users through the 18.4 cents per gallon gas tax. It isn't a perfect system, but it was created with a built-in accountability measure in mind: that the highway trust fund may only give out in obligations the amount in which it takes in through gas tax revenues.

Until recently, this principle worked relatively well. But increasing construction costs, stricter federally mandated fuel efficiency standards, and a reluctance to increase the gas tax—especially during an economic downturn—have led to a decrease in the highway trust fund's purchasing power.

None of these problems should have been a surprise to Congress, Mr. Speaker, as many of them were direct results of actions taken by this body. Nevertheless, these obstacles should have led us to some sort of congressional action in order to keep the highway trust fund—and the Federal highway programs as a whole—solvent.

So what did Congress do? Did we increase the gas tax? Did we reverse the fuel efficiency standards? Did we reorganize any of the programs or do anything to encourage the production of cheaper fuel here in the U.S.? No, absolutely not. When faced with the threat of bankrupting the highway trust fund in 2005, Congress did nothing to rein in spending or increase revenues. Instead, Congress passed the SAFETEA–LU law, which was the biggest, most expensive transportation authorization in history. Not surprisingly, by 2009, the highway trust fund was broke. Since then, we've passed three separate bailouts of the highway trust fund totaling nearly $30 billion.

Mr. Speaker, I fear that the bill which is currently in conference will only lead to more of the same of that deficit spending. My fear is supported by numbers from the Congressional Budget Office which show that for each of the next 2 years, there is a projected $8 to $9 billion gap between the likely revenues and the expected outlays within the highway trust fund.

It is important to note, however, that these estimates are developed using current budgetary conditions. This means that changes could be made during the conference which would prevent this shortfall from happening again.

One approach which has been embraced by many Members is to tie U.S. energy production to highway financing. On its face, this approach looks like a win-win solution to both drive down gas prices and allow for increased investment in transportation infrastructure.

While I support language to authorize the Keystone pipeline and other domestic energy projects, I must caution my colleagues about combining such initiatives to pay for a transportation authorization. There are many regulatory hurdles that these projects must cross, as well as litigation, before they come to fruition. I don't agree with these burdens, but they are a reality. Even in the best case scenario, it will be years before we see any profits from Keystone or any energy development that many of us would like to see us undertake.

Indeed, using potential energy production to pay for other priorities is not new in this body. In fact, the House has voted to allow development of the resources in the Arctic National Wildlife Refuge more than 10 times since 1995. But as many of us know, policies that are passed here in the House, or even in both bodies, do not always take effect as intended.

While I agree that our Nation's infrastructure needs significant help, we simply cannot allow ourselves to spend billions of dollars that we simply don't have based on the promise of potential,