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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 2007.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, early Founders of the Nation on this day in 1777 adopted a flag to symbolize their solidarity in defense and in belief of a new type of Republic. They selected stars and stripes to speak both of colonial individuality as State rights drawn upon a broader field of Federal identity. Our Pledge as a people means even more in today's world on this Flag Day.

Lord, fill us with promising hope and peaceful unity as we stare at the starry sky. Enable us to reach out further and further in the broad bands of freedom and compassion to fellow citizens of this world most in need.

Lord, may this flag, before which we stand, be a mirror of this people and a sign of promise to others that equal justice under governing law assures progressive victory over egoism and evil, both in times of prosperity and adversity, in times of war, and peace.

In our allegiance we witness to ''one Nation under God'' as a promise of what others in this world can yet become. For this, we Americans stand together today, proud and strong, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. HOBSON) come forward and lead the House in the Pledge of Allegiance.

Mr. HOBSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

REPUBLICANS DELAY ACTION ON POPULAR MEASURES

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I am sure that people around the country have been wondering what was going on here for the past couple of days. My concern is that the people in Missouri's 5th District are quite concerned about homeland security and many of the issues that we must resolve.

For example, there has been a delay on the construction of a fence on our southern border. If this were in a court, it would be called obstruction of construction. It is a problem that is being caused by this unnecessary delay initiated by the other party.

This is a good bill. It had bipartisan support in the Appropriations Committee, but leaders on the other side of the aisle are choosing to delay things with political games. And so my hope is that from this day forward that both sides will work together to get a solid Homeland Security bill approved, as the American public deserves.

COMPLAINTS DEPARTMENT IS NOT GOOD ENOUGH

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I love my colleague from Missouri, appreciate his leading our prayer breakfast during the week; but he is wrong. This is not a delaying tactic. We have been bringing things out into the open with this bill, with our discussions of the Homeland Security bill, and he knows and we know that the bill does not have to be approved until September because it doesn't go into effect until October so we are not delaying any fence building.

The discussions we have been having on the floor have been tremendously enlightening, as the Republicans have fought literally through the night to restore openness to our government. My colleagues on the other side of the aisle have raised these complaints that we are distracting from the real issue.

The debate on making earmarks public before we vote on the bill is the real issue. I can think of nothing more important than defending the rights of Members of this House to contest potentially wasteful spending requests. But as we have highlighted for the past couple of days, the majority wants to kill that right and instead replace it

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with a complaints department and massive slush funds. A complaints department is not good enough. My constituents, and every American, deserve to know what will be in this bill before we vote on it and telling us to write a letter to the committee when to contest an egregious earmark once they are announced merely amounts to wallpapering over the core issue here.

We need openness. And the more my colleagues in the majority fight to keep earmarks secret, the more Americans will see them as the party of hypocrisy.

OPPOSE COLOMBIAN TRADE AGREEMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise in strong opposition to a free trade agreement with Colombia. The Colombian Government has ties with paramilitary organizations and international criminal networks. Each year more unionists are killed in Colombia than the rest of the world combined, many at the hands of country paramilitaries. Yet Colombia is not willing to investigate these murders and prosecute perpetrators.

In 2006, seventy-two trade unionists were assassinated. The perpetrators continue to enjoy 98 percent impunity. Colombia's labor laws also do not conform with ILO recommendations. A trade agreement with Colombia, in my opinion, could cost more U.S. jobs and increase our debt. It would further impoverish rural communities in Colombia and reduce access by Colombians to new medicines.

A U.S. trade policy should promote a democracy based on protection of fundamental human rights, and not a race to the bottom. I urge my colleagues to reject a trade agreement with Colombia.

UNDERAGE COLLEGE DRINKING

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, binge drinking is the silent health epidemic attacking America's underage college students. It is defined as five consecutive drinks for men and four consecutive drinks for women. According to the National Council on Alcoholism and Drug Dependence, 43 percent of college students state they are binge drinkers. Parents and college communities are rightfully concerned.

However, some universities ignore the problem and, in fact, are complicit in this drinking binge. Middlebury College in Vermont claims to have the cure for binge drinking: lower the minimum drinking age from 21 to 18. The former college president proposes that lowering the drinking age will encourage students to drink responsibly. That is an irresponsible statement. This will only encourage younger people to get drunk.

The answer lies in admitting the problem, enforcing underage drinking laws, and educating students on the effect of binge drinking. Lowering the minimum drinking age just adds fuel to the epidemic and gives students a legal license to drink. Colleges cannot consent to the binge drinking by ignoring the problem and making outlandish statements.

And that's just the way it is.

CLEAN ENERGY REVOLUTION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, next week the House will take the second step in the clean energy revolution. The new Congress a couple months ago passed a bill, the first step, to reel back $14 billion of tax giveaways to the oil companies and create a fund for clean energy; but the second step starts next week.

When we take that step, we ought to be invested with the same ambition and innovative spirit of these companies that are doing great work around America, like A123 Battery Company that is making a battery so you get 150 miles a gallon in a plug-in hybrid; the Imperial Fuel Company, the biggest biodiesel supplier in the western hemisphere; the RAMGEN Company, making a compression technology to burn clean coal cleanly.

We ought to be invested with the same spirit of innovation that we had when John F. Kennedy stood behind me in 1961 and said we are going to do the Moon. So next week when we start, we should not hear the voices of timidity saying that we cannot improve our fuel mileage. We need a giant leap for mankind with innovation. Americans are a people with can-do spirit, and we will do it next week.

OPEN AND HONEST?

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I am intrigued by the other side's definition of what constitutes ''open and honest.'' After all, that was their pledge to America last year: if given control of Congress, they would make it the most open and honest Congress ever.

So how has it been going? They started their new openness campaign by not allowing a single amendment to be offered on legislation for nearly a month. That's right. That's right. No amendments from Republicans.

Not long after that, they had threatened to clamp down on a basic right of the minority, the motion to recommit that hasn't been changed since 1822.

And now that appropriations season is officially under way, more progress. The Democrats decided to take the earmark process behind closed doors and away from the public eye.

Closed rules, threatening basic minority rights, secret slush funds for earmark spending. Mr. Speaker, these tactics seem rather closed and deceptive to be taking place in the most ''open and honest'' House in history.

ENERGY AND WATER APPROPRIATIONS

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of Ohio. Mr. Speaker, during this year's appropriations process, Democrats have brought forward funding bills that allow the Federal Government to meet the needs of the American people while adhering to fiscal responsibility and balancing the budget in the next 5 years.

One example of this is the 2008 Energy and Water Appropriations bill which was supposed to be on the floor today, but it has been delayed by the Republican Party. This legislation works to force the twin concerns of global climate change and the national energy crisis that is weighing on our country. It includes over $3 billion for researching climate change and the technologies to help slow it down, and invests in renewable energy programs that both reduce greenhouse gases and help our Nation meet its energy needs.

I hope my colleagues on the other side of the aisle will join us in moving this important process forward so we can produce positive results for the American people.

ONLINE PREDATORS THREATEN CHILDREN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, last night Michael Macalindong of Fox Lake, Illinois, was charged by Federal authorities with luring a 15-year-old minor to his home. This happens too often in America.

What is new is that Macalindong used a social networking site, Facebook.com, to attack a minor child. Congress can do something about this. Sexual predators now use MySpace.com and Facebook.com to attack not dozens of children but thousands.

In the last Congress, we overwhelmingly passed the Deleting Online Predators Act by a vote of 400–15, but this act stalled in the Senate. The House should now take up this bill again, now with over five dozen cosponsors, to protect children.

The danger posed by predators online in Facebook and MySpace have turned those sites into a virtual hunting ground. This was not part of my childhood, but it is now part of growing up

in America. Our laws are falling behind the cyberthreat to kids, and Congress should pass the Deleting Online Predators Act.

HONORING CORPORAL JEREMIAH COSTELLO

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, on June 2, Illinois lost another great American hero when Corporal Jeremiah Costello of Carlinville was killed in Iraq by an IED.

Corporal Costello joined the Army in pursuit of becoming an Illinois state trooper, leaving his 4-year-old daughter in the care of his mother and stepfather. Like the 21,000 single parents serving in Iraq, Corporal Costello struggled with being away from his daughter, yet he bravely fought with courage.

Corporal Costello was posthumously awarded the Bronze Star and the Purple Heart. He is remembered as a cheerful young man with a knack for improving people's moods and surprising loved ones with gifts.

As Father's Day approaches, I ask my colleagues to remember Corporal Costello and his 4-year-old daughter, Lilly, and the approximately 2,000 children who have lost a parent in the Armed Forces over the last 5 years.

On behalf of the 17th Congressional District of Illinois, I extend my thoughts and prayers to the Costello family. Corporal Costello's service to his country will not be forgotten, and a grateful Nation stands humble. Thank you, Corporal Costello.

□ 1015

LET THE GAMESMANSHIP STOP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we have had a wonderful, vigorous and robust debate on the floor of this House for the past couple of days. It has dealt with earmarks and transparency in those earmarks.

I think it is noteworthy that the American people have spoken out, and I thank them for the support that they have shown us and their participation with us in this debate. And I thank them for their awareness of the fact that this is the people's House, that how we spend their tax money is very important. They deserve to know how we're going to spend that on the front end before we vote, and they do expect the reforms that we initiated last year on earmarks to be enacted this year.

They also were asking, Where's the fence? They are aware that there is gamesmanship that is taking place. So, to my colleagues on the other side of the aisle, I say, Let the gamesmanship stop. Let's be focused on addressing the security of this Nation. Let's be respectful of one another in word and deed.

MORE PROOF THAT THE PRESIDENT'S TROOP ESCALATION PLAN IS NOT WORKING IN IRAQ

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, this week we received more proof from Iraq that the President's troop escalation plan is failing.

A senior U.S. military commander told the Washington Post yesterday that if the President really wanted to stem the violence in Iraq, he would have to send an additional 20,000 U.S. troops there, something that no American would support. But even then, it appears that Iraq will remain incapable of taking full responsibility. Iraq is in a civil war, and our troops, it is not the job of our men and women in uniform to be refereeing a civil war.

Last week, one of our generals put a surveillance out to determine who was laying these IEDs that are killing our troops, and it turned out to be Iraqi security forces, people who work with us by day and then were trying to kill our soldiers by night.

It is time for Democrats and Republicans to work together to bring the President to his senses, to change the direction of the war in Iraq.

WE NEED A STRONG AND SECURE BORDER

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, it is in the best interests of our country to have a strong and secure border. At a time when it's more important than ever to know who is entering and who is leaving our country, we should not be tying up funding in more bureaucratic red tape.

Our constituents are begging for something to be done, yet the language in the Homeland Security appropriations bill will cripple the ability of the border fence to be built in high-priority areas.

I understand that process and procedure are important, but this Congress has already made its stand on the fence when, in a bipartisan fashion, it supported the Secure Fence Act back in October.

In the words of Sheriff Pendegraff of North Carolina, if your bathtub is overflowing, would you get a mop and bucket, or would you turn off the spigot? Mr. Speaker, it's time to turn off the spigot, close our borders and build the fence.

SILENCE ON PALESTINIAN VIOLENCE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, once again, the world has seen another outbreak of Palestinian violence in the Gaza Strip. At least 14 people were killed and 70 were wounded the other day in Gaza City, bringing the total to at least 63 people having been killed.

Fatah and Hamas are tearing the Palestinian area of the Gaza Strip apart in what they call a political rivalry, and the Palestinian people are paying a price for Palestinian violence. Governments from around the world and the Arab world have said nothing about this violence, while Palestinians kill each other.

I just want you to think for a second, if this was a result of Israeli-Palestinian hostilities, would the international silence and the silence of the Arab world be this deafening? Does anyone really believe that if this level of violence existed between Israel and Palestinians that the U.N. would not be called into an emergency session to condemn Israel for the violence?

Those same countries that normally attack Israel, I would hope you now find your moral voice and your moral conscience with the attack and senseless violence that is leaving the Palestinian people so hopeless.

WE ARE NOW ALL FLAKES

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the debate over the last 2 days has been described in many different ways. I would like to describe it as a tribute to the gentleman from Arizona (Mr. FLAKE).

I have referred to him in the press as Don Quixote with couth, referring to the fact that in the past he has stood there as a solitary figure trying to bring sense to this place when we're dealing with earmarks.

President Nixon once said looking at certain figures about population that we are all now Malthusian. He was proven wrong.

I think I can say without contradiction, after the debate on the floor and resolution of the dispute we've had and the seriousness with which we're about now to undertake the issue of earmarks, we are now all Flakes.

REPUBLICANS ARE MAKING A MOCKERY OF THE HOUSE FLOOR, DELAYING ACTION ON POPULAR MEASURES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, it appears that the House Republicans are

operating from the same playbook as President Bush.

Over the first 5 months of this year, this new Democratic Congress has approved more than 45 key measures, most of them with strong bipartisan support. Unfortunately, President Bush has been a stubborn opponent of our efforts to move this Nation in a new direction. He opposes or has threatened to veto 60 percent of the House's work.

The President threatened to veto a Defense authorization bill because he believed it gave our brave soldiers fighting in Iraq and Afghanistan too big a pay raise. His administration opposes a bill that would make college more affordable by cutting student interest rates in half. And he has once again threatened to veto legislation promoting life-saving embryonic stem cell research.

While the President has been obstructing our agenda for months, House Republicans have jumped on the bandwagon and are now delaying critical appropriations bills. Rather than obstructing the process, Republicans should join us in passing bills that will help us better secure the homeland and better serve our veterans.

TRANSPARENCY IN EARMARKS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, for the last 2 days, I've sat on the floor waiting to introduce and have debated an amendment that I have.

And what that amendment does is that amendment provides an additional $89 million to go toward building the border fence. That fence is to keep out those people who may be criminals, who may be terrorists, who America was promised that we would build the fence.

What has all of the delay been? Let me tell you what the delay has been. The delay has been about your tax dollars.

I've got a dollar bill here in a clear transparent folder. It's about transparency of earmarks. It's about the fact that we should be voting on bills where we know what that earmark is, what those earmarks are, regardless.

Now, here's the way it was last year when we voted on appropriations bills. We knew where those earmarks were. We knew who introduced them.

This is what it is this year. It is a hidden appropriation pool that we will not know who this money's going to.

DEMOCRATS WANT TO PROVIDE OUR VETERANS HISTORIC FUNDING; REPUBLICANS JUST OBSTRUCT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, this week Democrats are trying to honor our Nation's veterans and servicemembers by fulfilling our sacred obligation to provide for their care.

We would like to bring a bill on the floor today that includes the largest increase in veterans' health care funding in the 77-year history of the Veterans Administration. It is enthusiastically endorsed in its current form by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and countless other veterans' service organizations. It should have been on the floor yesterday, but House Republicans continue to obstruct the process.

I ask my colleagues across the aisle to join us in supporting bills that will secure America by better providing for our veterans. Forcing meaningless procedural motions does nothing. Think of all the great things we can accomplish on the House floor for our veterans if we just simply work for the greater good.

Last week, every single member, Republican and Democrat, of the House Appropriations Committee supported the Military Construction and veterans funding bill. They all supported it because it provides for our veterans, as we promised.

I would hope today that Republicans would stop obstructing the process so that we can produce real results. Our veterans deserve nothing less, and they are watching.

CONSERVATIVES ARE RETURNING TO THEIR ROOTS

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, my Democrat colleague is misinformed. We've had a big debate this week between Republicans and Democrats about the size and scope of government, whether or not there should be a secret slush fund for earmarks. And you know what? Today, what's happening here today is that this body is coming in the conservative direction.

My voice is weary, but my spirit is strong because conservatives have a victory that we're very close to achieving here today because we've brought pressure on the Democrat leadership to free up, to make public, to be honest about the earmarks they have put in and a slush fund they have put into this appropriations bill.

And the American people should be proud because finally conservatives are returning to their roots and talking about restraining government spending.

I'm very proud of the actions that my conservative friends are taking on this House floor to hold the Democrats accountable for their slush fund, their secret earmarks and their pork-barrel projects. And I urge the body to move in the conservative direction.

REPUBLICANS ARE ALL ABOUT DELAY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, nothing could be further from the truth than the Republican claims of increased spending. The fact of the matter is, during the 12 years that they were in the majority spending on the budget on appropriations bills increased every year. It was a free-spending Congress. It was a Republican Congress that continued to put this country further and further into debt.

And now that the Democratic majority is trying to pass bills, what is happening on the other side? They're trying to delay it. That's all they're about is delay.

They couldn't pass a budget in the last Congress. They couldn't pass the appropriations bills before they lost control. They increased spending every year. Don't believe their rhetoric.

When Democrats took control, we vowed to do things differently. We vowed to pass a budget, and we did that earlier this year. We also vowed to pass every appropriations bill in a timely fashion, and that's what we're trying to do.

But rather than joining us and making this institution run more smoothly, congressional Republicans have chosen to constantly bring forward procedural motions to delay action on the spending bills that help us protect our homeland and help the veterans.

TRANSPARENCY AND ACCOUNTABILITY ARE NEEDED IN SPENDING

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, on this Flag Day we celebrate liberty. On this Flag Day, we celebrate democracy. And on this Flag Day, we're hopeful that the majority party will recognize and honor democracy and liberty by allowing all Members of the House, Republican and Democrat, the right to see and to know everything in appropriations bills, spending bills, before we vote. That's what our constituents expect, and that's what they demand.

These past 2 days have been an eye-opener for America, clearly demonstrating that Republicans are the champions of fiscal responsibility and honest debate as we've fought for democracy on the floor of this House.

Transparency and accountability in spending will confirm for the American people that new leadership is needed to preserve not just the Federal budget, but the family budget as well; and the American people are watching.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1925

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 7 o'clock and 25 minutes p.m.

PERMISSION TO FILE SUPPLEMENTAL REPORTS ON H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008; H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008; AND PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Mr. OBEY. Madam Speaker, I ask unanimous consent that:

(1) the Committee on Appropriations be permitted to file supplemental reports to accompany H.R. 2641 and H.R. 2643, respectively; and

(2) during further consideration of H.R. 2638 in the Committee of the Whole pursuant to House Resolution 473, the pending amendment offered by Mrs. DRAKE shall be debatable for 10 further minutes, equally divided and controlled by the proponent and an opponent, and notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

pro forma amendments offered at any point in the reading by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding funding for border fencing and technology;

An amendment by Mr. MCHENRY regarding funding for Citizenship and Immigration Services;

An amendment by Mr. FERGUSON regarding funding for Buffer Zone Protection, which shall be debatable for 5 minutes;

An amendment by Mr. BURGESS regarding funding for Secure Flight, which shall be debatable for 5 minutes;

An amendment by Ms. CORRINE BROWN of Florida regarding funding for the Office of Inspector General;

An amendment by Ms. CORRINE BROWN of Florida regarding funding for FEMA management and administration;

An amendment by Mr. KING of Iowa regarding funding for Drug Smuggler Lookout Posts;

An amendment by Mr. PEARCE regarding funding for Customs and Border Protection;

An amendment by Mr. SHAYS regarding funding for sharing information with Interpol;

An amendment by Mr. KUHL of New York regarding a Western Hemisphere Travel Initiative study;

An amendment by Mr. KUHL of New York regarding a northern border study;

An amendment by Mr. CONAWAY regarding funding for invasive species removal;

An amendment by Mr. HUNTER or Mr. ROYCE, Mr. KING of Iowa or Mr. FRANKS of Arizona regarding the Secure Fence Act;

An amendment by Mr. CARTER regarding border fencing requirements;

An amendment by Mr. SOUDER regarding a report on use of air and marine interdiction assets;

An amendment by Mr. MCCAUL of Texas regarding unmanned aerial systems;

An amendment by Mr. KING of Iowa regarding funding for worksite enforcement;

An amendment by Mr. SOUDER regarding funding for Deepwater;

An amendment for Mr. BILBRAY regarding funding for REAL ID;

An amendment by Mr. DENT regarding funding for Secret Service protective missions;

An amendment by Mr. JINDAL regarding funding for FEMA disaster relief for hurricane preparedness;

An amendment by Mr. DAVIS of Kentucky regarding funding for Commercial Equipment Direct Assistance grants;

An amendment by Mr. LANGEVIN regarding funding for cybersecurity research and development;

An amendment by Mr. KING of New York regarding funding for domestic nuclear detection;

An amendment by Ms. CORRINE BROWN of Florida regarding airport employee screening pilot program;

An amendment by Mr. MCCAUL of Texas regarding the MAX-HR project;

An amendment by Mr. THOMPSON of Mississippi to strike section 537(b) relating to small business;

An amendment by Mr. DEAL of Georgia regarding limitation on use of funds to put out to pasture horses and mules;

An amendment by Mr. ELLSWORTH regarding limitation on use of funds for contractors delinquent on Federal debt;

An amendment by Mr. HENSARLING regarding limitation on use of certain FEMA grant funds;

An amendment by Ms. JACKSON-LEE of Texas regarding a report on pipeline and refinery vulnerability;

An amendment by Mr. LATOURETTE regarding the Western Hemisphere Travel Initiative;

An amendment by Mr. ORTIZ regarding limitation on funding for border fencing;

An amendment by Mr. POE regarding limitation on use of funds to implement plans under section 7209 of the Intelligence Reform and Terrorism Prevention Act;

An amendment by Mr. ROGERS of Kentucky regarding a reduction in funding;

An amendment by Mr. ROGERS of Kentucky regarding limitation of total number of airport screeners;

An amendment by Mr. ROGERS of Kentucky regarding the Davis-Bacon Act;

An amendment by Mr. TANCREDO regarding limitation on use of funds to carry out visa waiver program;

An amendment by Mr. TANCREDO regarding limitation on use of funds in contravention of section 642(a) of the Illegal Reform and Responsibility Act;

An amendment by Mr. PRICE of Georgia regarding limitation on use of funds for research on global warming;

An amendment or amendments by Mr. PRICE of North Carolina regarding funding levels;

An amendment by Mr. OBEY prohibiting funding for earmarks; and

An amendment by Mr. FORBES prohibiting use of funds for temporary protective status.

□ 1930

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Homeland Security each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. ROGERS of Kentucky. Madam Speaker, reserving the right to object, if the gentleman would join in a colloquy, a question has arisen as to whether or not when this bill goes to conference with the other body and there should be items that are included in the conference report that comes back to the House, items that were not included in either the Senate-passed version or the House-passed version, would those items be subject to a point of order when the conference report hits the House floor?

Mr. OBEY. Madam Speaker, will the gentleman yield?

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

Mr. OBEY. Madam Speaker, my understanding, and if the gentleman will shortly yield to the distinguished minority leader and the distinguished majority leader, but my understanding of this provision is that it seeks to assure that there are two kinds of remedies available to items that are in conference. My understanding is that if

the Senate adopts an amendment and the conferees do not like that amendment, then their remedy is to oppose the Senate amendment in conference and refuse to accept it. The question then becomes, well, what is the remedy of each individual Member if something is airdropped that was not in either the House or the Senate bill?

My understanding of the provision is that at that point, any Member has the right to raise a point of order against consideration of the conference report, and if that point of order is upheld by the House, then the conference report is sent back to the conferees for correction or adjustment.

Mr. ROGERS of Kentucky. Madam Speaker, reclaiming my time, I appreciate the gentleman's explanation, and I would be happy to yield to the minority leader.

Mr. BOEHNER. Madam Speaker, I thank my colleague for yielding.

The purpose of this remedy, a point of order on consideration of the conference report, is to deal with earmarks that may have not been considered by the House or the Senate, what we have come to term airdropped earmarks. There are cases where over the length of the consideration of an appropriation bill in the House and the Senate, circumstances may change and there may be a reason to put an earmark, if you will, in an appropriation. And to preserve the right for all Members to consider these earmarks, having the point of order on the consideration of the appropriation bill, we believed, was an appropriate way for any Member to bring to light one of these earmarks. There is 10 minutes of debate on each side, and then the House can decide whether to proceed with the consideration of the conference report or not.

Mr. ROGERS of Kentucky. Madam Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

I would echo the comments of both Mr. BOEHNER and Mr. OBEY. We were pleased to support and will be offering very shortly that protection. So I say to the gentleman from Kentucky, we expect to do that in the next few days, and his conference report, when it comes back, will be subject to this point of order.

Mr. ROGERS of Kentucky. Let me clarify that point briefly. The proposed rule change will not take place until some time later.

Mr. HOYER. It will be done very soon.

Mr. ROGERS of Kentucky. In the meantime, we are taking up this bill.

Mr. HOYER. Yes. If the gentleman will yield further, I have indicated to the minority leader that no conference report will be considered on the floor until we adopt that amendment, but I expect to adopt that amendment, frankly, before your bill gets to the Senate.

Mr. ROGERS of Kentucky. So that the point of order would lie, as the minority leader has said, to this bill.

Mr. HOYER. Yes, it will.

Mr. ROGERS of Kentucky. I thank the gentleman.

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield?

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

Mr. BURTON of Indiana. Madam Speaker, I think for the edification of my colleagues who may not be on the floor right now, they would like to make absolutely sure how this procedure is going to work.

As I understand it, when the conference report comes back, we have the right to raise an objection or point of order against the whole bill. But what about individual projects that are put in the bill? Will we be able to raise a point of order against each one of those projects that are put in the bill, that are airdropped into it in the conference committee?

One of the reasons we have been debating this so strongly over the last couple of days is because we want to make sure that the Members have a right to vote on these projects. There is a considerable amount of money in the bill which is not designated for any individual project right now. So if it is the whole conference report that we have to raise a point of order against, that is not getting to each individual airdropped earmark that is put in the bill.

Mr. BOEHNER. Madam Speaker, if the gentleman would yield further, we went through a great debate last year over this issue. As we all know, we have work to do, and to allow debate on a conference report on every individual issue, you get into a ping-pong effect of the House objecting to one issue, a Senate issue, we could send it over there, they would send it back, we would never get the bill finished.

The idea behind the point of order on the conference report is to bring this issue to light, and if you bring an issue to light that is of such substance, the House may in fact vote to sustain the gentleman's point of order and there is no consideration of the conference report.

But we have never been able to find a way to get to each particular item in a conference report, as the gentleman has suggested.

Mr. BURTON of Indiana. Madam Speaker, if the gentleman would yield further, I think this is very, very important. There are many of us, for years, that have come down and fought against individual pork-barrel projects, and it was my understanding over the last few days that we were going to try to make sure we knew what was in this bill, and if there were earmarks in there we didn't want, we would have an opportunity to vote on each individual earmark.

Now you are going to have a bill that is going to go over to the Senate without any earmarks in it, I would like to know also how much money is in here for earmarks, but it is going to go to the Senate and it is going to come back with airdropped earmarks in it, and we will not be able to vote on each one of those, as we would right now if we were going to debate each individual earmark that is put in the bill.

I understand what the minority leader is saying, but this is of concern I think to a lot of us, because if we get the whole enchilada and we can't go to the individual earmarks that are put in the bill because they are airdropped in, we don't really have a chance to cut out any of the pork.

Mr. BOEHNER. If the gentleman from Kentucky will yield further, the agreement that we have come to with our colleagues on the other side of the aisle is that for 10 of the 12 appropriations bills, the earmarks will in fact be listed.

Traditionally, the Homeland Security appropriation bill has had very, very few earmarks in it. It won't be like you have to go through a whole laundry list to determine what is in it. Secondly, the bill that we expect to be before us tomorrow, the Military Quality-of-Life Veterans bill, it also has earmarks, but almost all of them have been scrubbed by the Department of Defense, and I think there has been an understanding that, given the time constraints, that these two bills would in fact move without earmarks but that the next 10 bills would have earmarks included in them.

Mr. BURTON of Indiana. If the gentleman would yield further, let me just say that I don't know how much money is in here, is in this bill for earmarks that may be airdropped in. Nobody has told me how much money is in here.

Mr. ROGERS of Kentucky. Madam Speaker, reclaiming my time, I can tell you there is zero in this bill.

Mr. BURTON of Indiana. If the gentleman will continue to yield, in the conference committee they will airdrop earmarks in and we will not be able to vote for those individual earmarks; is that correct? We are going to have to vote on the whole conference report, up or down, or raise a point of order against it, which is the same thing.

Mr. BOEHNER. If the gentleman would yield, if you raise a point of order on the consideration of the conference report and the House agrees with your point of order, the consideration of the conference report is stopped and what in real terms happens is the conference report goes back to conference where the issue that was brought to light is dealt with.

There are a lot of ways to deal with, let's say in your case, what you would call an objectionable earmark by bringing that point of order and having the House's support. Basically it goes back and you begin to deal with it.

Mr. ROGERS of Kentucky. To also clarify that, that is precisely and exactly what we voted on last year; is that correct?

Mr. BOEHNER. This is precisely the rule that was adopted by the House last September.

Mr. BURTON of Indiana. Well, if the gentleman would yield further, you are our leader and I certainly won't try to object, because you think this is the right thing to do. But it does bother me, I have to tell everybody and I hope the people watching in their offices, it bothers me that we are not going to have a chance to vote on any airdropped earmarks that will be put in this bill in conference.

I know what you are saying. I understand. But I think it is a tough issue for you right now. But I don't like it.

Mr. ROGERS of Kentucky. Madam Speaker, I thank the minority leader and majority leader and the chairman for their clarification.

Madam Speaker, I withdraw my reservation of objection.

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

Mr. SHADEGG. Madam Speaker, reserving the right to object, I would like to clarify the unanimous consent request that is before us and get a further understanding of any other agreements that may have been reached. And I would appreciate if I could clarify these points with the distinguished majority leader and the chairman of the Appropriations Committee.

First, as I understand it, the agreement is that with respect to the 10 bills that will come up following this bill and Military Construction, that is the bills that we would begin on, I presume, Monday, there is an agreement that all of those bills will come to the floor with all of the earmarks which are proposed to be placed into those bills added to those bills before they come to the floor.

That is an extremely important point. That was the issue we have debated for the last few days. We believe that sunshine is the best way for us to ascertain what is in those earmarks. Admittedly, we may have no objection to any of those earmarks, but that is only possible if we know that the earmarks which are to be added to those bills are added to the bills before they come to the floor.

So, I would like to know if in fact that is the agreement that has been reached.

I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, if the gentleman will yield, it had been the intention of the minority leader, the majority leader, and myself to try to get the House moving on this bill tonight so that we aren't here until 4 in the morning. Then, while this bill is proceeding, we intend to sit down and to lay out an additional colloquy which will walk Members through all of the other items that reflect any additional understandings that will be attendant to the appropriations process.

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Let me simply say to the gentleman, for the convenience of the House so we don't keep them here until 4 in the morning, we would like a little time so that we work out a clear understanding that we are all saying the same thing, that we will shortly be back to the House for an additional briefing on those matters, if that still meets with the approval of the two leaders.

Mr. SHADEGG. Reclaiming my time, then I guess it is my understanding, at least so far as the chairman of the Appropriations Committee is concerned, there is no agreement that all future earmarks will be added to the bills at this point in time?

Mr. OBEY. That's not correct. There is an understanding that has been reached. It is a little more complicated than the gentleman has expressed. But the intent is that all of the bills will, by the time the bills move to the Senate, have an opportunity for earmarks to be attached to the bills.

Let me just walk you through what my understanding is with respect to all of the subcommittees.

Mr. HOYER. Before you do that, will the gentleman yield?

Mr. SHADEGG. I would be happy to yield to the majority leader.

Mr. HOYER. The gentleman is going to, I think, outline our understanding of the agreement. But the answer to your question is yes. Every earmark starting with Monday forward, obviously we know that these two bills are moving tonight, our agreement is that every earmark going forward will be included in the bills.

The only complication is both sides have recognized that on the Energy and Water bill, it is going to take a very substantial time, so that the earmarks that would otherwise be included in the Energy and Water bill will be included in a subsequent bill, to then be attached prior to the Energy and Water bill going to the Senate. But that will be open for full debate and amendment to remove those earmarks.

So the answer to your question is yes.

Mr. SHADEGG. Reclaiming my time, as I understand it, then, with regard to nine of the 10 remaining bills which have been mentioned by the minority leader, all of those bills would, in fact, have all earmarks listed in them before they come to the floor. Is that correct?

Mr. OBEY. That is correct, as I understand the agreement.

As the majority leader has pointed out, the only exception to that is that the Energy and Water bill needs to proceed, but it takes a longer period of time to prepare the earmarks. So we will complete action on the Energy and Water bill except for the question of which earmarks would be attached to that. We will then have a separate report which is reported to the House, and the House will then have the opportunity to consider those earmarks. And after that consideration is completed, then, only then, will that bill be sent to the Senate. So when it goes to the Senate, it will be one document.

Mr. HOYER. If the gentleman will yield again to me, it is my understanding, as I said earlier, and Mr. OBEY, I believe, the Energy and Water earmarks will be attached to a subsequent appropriations bill so that, in fact, it will have its own earmarks and the Energy and Water earmarks, all of which will be subject to review, notice, transparency and action on the floor.

Mr. SHADEGG. Reclaiming my time, then, as I understand it, for the nine bills other than Energy and Water, the earmarks will be included on those bills before they come to the floor for debate. For the Energy and Water bill, because of the additional time that is required, the earmarks would be listed, then subsequently attached to a bill that comes to the floor and could be debated and challenged on the floor before that bill is presented to the Senate; is that correct?

Mr. HOYER. If the gentleman will yield, and I want the gentleman from Wisconsin to correct me, but my understanding is they may not be listed because the problem is that the time to vet those, and both sides agree, is a longer time. But we want to move the Energy and Water bill. It will not move out of this House. All of the earmarks that would be attached to that bill will be attached to another bill, will be listed, will have the author and the assertations and they will be subject to a vote on the House floor as any other.

So prospectively all 10 bills moving forward will have it. It is just that the Energy and Water will be not done together; they will be done separately.

Mr. SHADEGG. Reclaiming my time, but those earmarks would be subject to challenge and debate here on the floor.

Mr. HOYER. Yes.

Mr. SHADEGG. At least a point in time before the bill is transmitted to the Senate; is that correct?

Mr. HOYER. That's correct.

Mr. OBEY. Yes.

Mr. SHADEGG. Let me ask a second question.

As I understand it, there is some discussion, and perhaps I should yield to the minority leader on this point, with regard to an attempt to reach a unanimous-consent agreement on each bill as that proceeds forward. Is that correct?

Mr. HOYER. Yes.

The minority leader might want to answer that as well.

Mr. SHADEGG. I would be happy to yield to the minority leader.

Mr. BOEHNER. I appreciate the gentleman yielding. And, yes, we on both sides of the aisle over the last number of years, the appropriators have worked through a unanimous-consent request to provide for the consideration of a lot of these bills, under an open rule. We still have an open rule. But the agreement has been, over the past several years, that we work through that process with the Members to make sure that Members have all the time they need to debate their amendment. But, again, it's a unanimous-consent agreement, which means unanimous.

Mr. HOYER. If the gentleman will yield, I don't want to undermine our full explanation of this event, but when the minority leader says, ''all the time they need,'' neither the minority or the majority have ever thought that other Members needed as much time as the Members think they need. So with that caveat, you can consider it in that context.

Mr. SHADEGG. Reclaiming my time, with the exception of that remark, is the understanding as explained by the minority leader the understanding of the majority leader?

Mr. HOYER. It is.

Mr. SHADEGG. I would be happy to yield to the chairman of the Appropriations Committee.

Is that also your understanding?

Mr. OBEY. Yes. The understanding is that, as we have in the past, the intention is to reach unanimous-consent agreements under which each of the bills will be considered. And it is our hope that that time will be reasonably reflective of what it has been in the past.

It is also the intention that the bill managers will be expected to be reasonably flexible in establishing those time limits as some modest additional flexibility is required.

Mr. SHADEGG. Reclaiming my time, as I understand it, this is an attempt to make sure that we don't waste time on dilatory tactics; that, rather, we proceed through these in an orderly fashion, but if someone has a substantive objection, that should be accommodated; is that correct?

Mr. OBEY. That's our understanding. As a practical matter, last year, if you take all of the appropriation bills, the House expended approximately 108 hours of debate. We think that somehow within time reasonably close to that and with reasonable flexibility between bills, we ought to have sufficient expression of views by the Members to make intelligent choices and move the people's business forward.

Mr. SHADEGG. Reclaiming my time, I appreciate the patience of all the gentlemen in this conversation. I would like to just confirm two more facts and then be happy to the yield to the ranking member on this particular bill who would like to ask a question.

The minority leader just indicated that all of these bills under the contemplated agreement would come to the floor under an open rule. Is that the understanding of the majority leader and of the chairman of the Appropriations Committee?

Mr. OBEY. That's above my pay grade. That's up to the Rules Committee and the leadership. Let the leadership respond.

Mr. SHADEGG. Reclaiming my time, that is not a part of the agreement? I thought I just understood the minority leader to state that that was a part of the agreement.

Mr. HOYER. Will the gentleman yield?

Mr. SHADEGG. Certainly.

Mr. HOYER. No, it was part of the agreement. And we expect to move forward on open rules. But I want to make it clear and don't want to undermine the agreement but I want to make it clear, if we are subjected to what we believe were dilatory tactics, then that would not be consistent with the agreement and, therefore, our provision would be that, in lawyer's terms, the agreement had been breached. But it is part of the agreement.

Mr. SHADEGG. Certainly.

Mr. OBEY. If the gentleman would yield, let me make clear, I requested an open rule for the bills that have been approved by the Rules Committee so far, and I intend to keep doing so unless we think that those open rules are so abused and so far a departure from what we have expressed as our general intentions that some other course is required.

Mr. SHADEGG. Reclaiming my time, I have just one further fact I would like confirmed, actually from both the majority and minority side, and, that is, nothing in this agreement precludes the right of any Member to object to a unanimous-consent agreement on each bill as they proceed.

Is that the understanding of the minority leader?

Mr. BOEHNER. Unanimous means unanimous.

But I think both sides have agreed that we will work with our Members to ensure that they have the right to offer their amendments, that we try to come to some agreements on time so that the process can move along. But that does not mean that we are interested at all in infringing on any Member's right to offer their amendment.

But I do believe that Members on both sides of the aisle want to see this process move along, and that's why it is under consideration for each of these bills that there would be some unanimous-consent agreement that we would come to.

Mr. SHADEGG. Reclaiming my time, I certainly understand the intent of the agreement and the intent of those of us who have been engaged in this discussion for the last 2 days. I simply want to get clearly on the record that any agreement which is intended to move the body forward and move through these bills and to do it as we have done it in the past with an open rule and then hopefully at some point a unanimous-consent agreement, that that remains subject to the objection of an individual Member to say, I object to the unanimous consent.

Mr. OBEY. If the gentleman would yield.

Mr. SHADEGG. I would be happy to yield to whichever of you would prefer.

Mr. OBEY. It is our intention with respect to open rules to make virtually the same request of the Rules Committee with respect to each bill that was made by your party when you were in the majority. And it is our hope that you will respond as we did in the minority by agreeing to reasonable time limits on each of those bills in return for that.

Mr. SHADEGG. Certainly. And I think we will. Except, as you say, you're not sure if you understand what would be dilatory tactics. We're not sure if we understand and can't know now what we might consider to be a substantive amendment which you would view wasn't.

And so I just want to confirm that the right of an individual Member on the minority side to object to the unanimous-consent agreement remains intact and hasn't been waived by any portion of this agreement.

And I presume that's the understanding of the majority leader.

Mr. HOYER. That is the understanding of the majority. The leader, your leader and I, have spent substantial time together over the last 48 hours discussing this agreement and discussing it with Mr. OBEY and Mr. LEWIS. Clearly we are proceeding in not as a definitive way as we might otherwise have proceeded, and we are proceeding with reliance on the good faith of each to proceed in a manner that we believe accommodates what has been done last year and what we hope will be done this year and, that is, consider these bills with the inclusion of the earmarks in the bills in a manner that facilitates their being passed through this House.

Mr. SHADEGG. I thank the gentleman for his comments. I thank all the gentlemen.

I would be happy to yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I will be very brief. I thank the gentleman for yielding. On the Energy and Water bill, I'm a little confused.

Mr. OBEY. Would the gentleman yield?

Mr. ROGERS of Kentucky. I will be happy to yield.

Mr. OBEY. It has been suggested to me that we can clear this up by my simply reading the statement that we had intended to read to the House at a later point. If the gentleman would indulge me so I could do that, I think it will answer virtually all of the questions that people have.

This is that statement.

Mr. SHADEGG. I think it's my right to yield, and I would be happy to yield to the gentleman.

Mr. OBEY. The House is now proceeding under a unanimous-consent agreement which in addition to the hours already covered will limit total time for consideration of this bill to 24½ hours. This is a limit of an additional 6½ hours which we will have to endure tonight.

The UC agreement also allows the filing of supplemental reports to enable earmarks to be added to the Interior and Energy and Water appropriation bills without returning the bills to committee. It is expected that this will slow down consideration of the Interior bill by about a week.

We will complete action on the Energy and Water bill on the floor next

week, but will not send it to the Senate until the House has an opportunity to act upon the projects that will be attached to that bill. That bill will probably not be sent to the Senate until July.

This agreement is part of a larger agreement that contains the following additional understandings:

There will be a unanimous-consent agreement for Military Construction that limits consideration of amendments and time on that bill.

With respect to the Homeland and Military Construction bills, both bills will be allowed to proceed without earmarks, which, if they are provided, will be added in conference. The intention is that when those bills come back from conference, a point of order against consideration will be in order against any projects that were not in the House or Senate bill, and if those points of order are upheld by the House, the report will go back to the conference for adjustment.

The Financial Services, Foreign Operations and Legislative Branch bills, three bills that have already been reported out of committee, will briefly be sent back to committee so that earmarks can be added. The minority party has agreed to expedited procedures to consider these bills once the earmarks have been attached. That will slow consideration of the bills by up to 2 weeks.

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CJS will not be considered until the proposed earmarks are ready for attachment, hopefully before the July 4 recess.

The Labor-HHS, Transportation, HUD and Agriculture bills will be considered after the July 4 recess, that is a change, in order to give committee staff more time to include earmarks for those bills.

The minority has agreed that they will help facilitate reasonably speedy consideration of the remaining bills. The expectation is that the House will adopt UC agreements to place reasonable limitations on the time for consideration for each of the appropriations bills which are expected to be roughly and generally similar to the overall time agreements that were adopted for consideration of appropriation bills in the past.

The bill managers will be expected to be reasonably flexible in establishing those time limits if modest flexibility is required. This is the understanding of the Appropriations Committee and the House Democratic and Republican leadership.

The House should be pleased with this agreement because it recognizes the reality that there is not enough time to responsibly include earmarks in the earliest appropriations bills to be considered by the House. While providing that recognition, it assures a reasonable process that will provide an opportunity to question earmarks.

Mr. ROGERS of Kentucky. Madam Speaker, will the gentleman yield?

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

Mr. ROGERS of Kentucky. Let me thank the chairman for that clarification.

Mr. SHADEGG. Reclaiming my time, I appreciate the gentleman's clarification. I do have one question. As I listened to the gentleman explain the agreement and read it, I believe the gentleman said that it is the intention that there will be a point of order in place with regard to this bill and the MILCON bill. It is my understanding there is actually an agreement on that point.

I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. The rule change that has been discussed earlier on the point of order on the consideration of an appropriation conference report with regard to airdropped earmarks is expected to be offered to the House under unanimous consent agreement on Monday evening.

Mr. SHADEGG. I thank the gentleman.

We are all operating on good faith here. I simply want to establish that there will be a point of order in place before these two bills return from conference.

Mr. HOYER. Yes. That is what I represented to Mr. ROGERS, and I repeat it to you. Yes.

Mr. SHADEGG. I thank the gentlemen for their patience.

Madam Speaker, I withdraw my reservation of objection.

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

Mr. MCHENRY. Madam Speaker, reserving the right to object, I want to fully understand the agreement put forward.

I ask the majority leader and the Appropriations Committee chairman, as I understand it, laid out through this colloquy and this series of questions, there are three separate issues at hand.

First, the House rules under that unanimous consent agreement Monday night, the House rules will revert to the point of order that Republicans put in place in the last Congress, the Congress put in place, that Members can lodge a point of order against earmarks; is that the case?

Mr. BOEHNER. If the gentleman would yield?

Mr. MCHENRY. With all due respect to the minority leader, I was trying to get a commitment from the majority leader since they are in fact in the majority, but I would be happy to yield to my Republican leader.

Mr. BOEHNER. I appreciate the gentleman yielding because we have come to an agreement amongst us. The rule we are talking about putting in place is identical to what we had last year on the consideration of a conference report that has earmarks in it that had not been considered by the House or the Senate. And that rule change will be proffered, we believe, on Monday evening by the majority leader.

Mr. MCHENRY. Does the majority leader concur with that?

I am happy to yield.

Mr. HOYER. I thank my friend for yielding.

I want to tell my young friend from North Carolina, that is the representation I have now made three times. I have made it to your leader. I suggest you ask your leader whether he trusts me to do that.

Mr. MCHENRY. Reclaiming my time, I certainly want to understand this agreement, and since it is a unanimous consent put before the House, we need to have unanimous consent to proceed with that. I want to understand the three elements of this rule and since the majority leader does schedule the floor, Madam Speaker, I want to make sure I understand the agreement since you actually control the floor.

Mr. BOEHNER. Would the gentleman yield?

Mr. MCHENRY. I would be happy to yield.

Mr. BOEHNER. The gentleman from Maryland, the majority leader, has given me his word. The gentleman and I have a long relationship. I have not one doubt that Monday evening this unanimous consent agreement will be entered into.

Mr. MCHENRY. Reclaiming my time, as I understand it, there are three elements to this agreement. I want to actually have on the record what this agreement is, not simply a discussion behind closed doors, because as we heard earlier today, Madam Speaker, as some of us heard earlier today, there was an agreement reached last night and then there was a change of heart from the majority and leadership on the majority side. And I want to ensure we have a proper understanding of what that was, instead of what we read in the papers and the rumors we hear.

Mr. OBEY. If the gentleman would yield?

Mr. MCHENRY. I would be happy to yield.

Mr. OBEY. Let me correct the gentleman in one respect. There was no change of heart on the part of the majority leadership on anything to my knowledge.

Secondly, if we are talking about trust, the fact is that I have been asked in this agreement to trust the word of the minority leader that when we describe what the conduct will be during future appropriation bills, that that conduct will be reasonably close to what is described on this paper. There is no guarantee in this paper to me that that conduct will be appropriate conduct.

In this case, however, I am simply taking the word of the majority leader and the minority leader. If it is good enough for me, I hope it is good enough for you. And when the day comes that we cannot trust the word of the majority leader or the minority leader in this House, then this House is really in sad shape.

Mr. MCHENRY. Reclaiming my time, I wanted to lay before the House what

the three elements, as I understood it, are. And I have full faith. I know the gentleman is an honorable man. I am not questioning the integrity of any of my colleagues in this process. I certainly have the utmost respect for the majority leader and the Appropriations Committee chair. But I actually want to understand the agreement and the trust you have, and I want to make sure that the House understands what the agreement is.

Mr. OBEY. If the gentleman would yield, I was not part of the agreement on the point of order. I am simply trusting the majority leader and the minority leader, and I would suspect that virtually every Member of this House has that same trust towards both of them.

Mr. MCHENRY. Reclaiming my time, actually the final question would be: Is it the intent and the commitment from the majority that future appropriations bills, save by tradition the legislative branch appropriations bill, would come to this floor under an open rule?

Mr. OBEY. I think that question has already been answered in the affirmative, so long as the conduct of the House justifies open rules.

Mr. MCHENRY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank my friend for yielding.

I said ''yes.'' I have said it three or four times. I will say it again. But I want an understanding made clear, and I will reiterate it. We have an agreement. We have an agreement between people who are trying to move America's business forward. That agreement assumes conduct on both sides. There are going to be open rules. But if the conduct that is expected on both sides is not met, I expect both sides will feel the agreement has been breached.

Mr. MCHENRY. Reclaiming my time, Madam Speaker, I withdraw my reservation of objection.

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

Ms. FOXX. Madam Speaker, reserving the right to object, I have a very simple question.

I think I am a very logical person. I don't understand why we are going to be voting on the water bill and then coming back and voting on the earmarks attached to another bill. That does not seem logical to me.

Mr. OBEY. No. If the gentlewoman would yield, it is not going to be attached to another bill. The bill is already out of committee. It needs to proceed. It takes a great deal of time. There are a lot of things in that bill besides earmarks, thank God. We are trying to move the business ahead as fast as we can.

What this agreement states is that we will finish all of the nonproject-oriented issues in that bill. We will complete consideration of the bill except we will then rise, and when the report is finished that will be attached to the energy and water bill, it will be reported to the full House. When it is reported to the full House, we will then have before the House for consideration the projects that are included in that report and that will be during consideration of the energy and water bill itself. So it will not be a separate bill, it is the energy and water bill.

We are just allowing the projects to catch up to the bill. And then before the bill goes to the Senate, you will have a full opportunity to deal with the report and the energy and water bill simultaneously.

Ms. FOXX. Thank you.

Madam Speaker, I withdraw my reservation of objection.

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

Mr. PRICE of Georgia. Madam Speaker, reserving the right to object.

I know that we have been discussing this for a long time, and I appreciate the tolerance of all involved and I am sorry that, using a word that was used before, that you have to endure this, but I have three very specific questions.

The chair of the Appropriations Committee in his initial comments said about the agreement that has been worked out, that it has not been signed or not been agreed to because there was an issue that had yet to be worked out. Did I understand the gentleman correctly?

Mr. OBEY. I honestly don't know what the gentleman is talking about. All I was saying is we were trying to get Members home before 2 in the morning by allowing this bill to proceed. We wanted to simply perfect the statement which I just read to make certain that everyone agreed, and we thought when we had more time to review that and check for any changes, we would come right back to the House. Instead, Members wanted to discuss it now. So forget everything I just said with respect to that other statement.

Mr. PRICE of Georgia. I appreciate that.

My second question is: The earmarks for these two bills, Homeland Security and Military Construction/Quality of Life, when might we expect to see those or deal with those before the House?

Mr. OBEY. There are no earmarks in this bill. I personally have no interest in adding them. If it happens in the process because of the will of the committee or the body, then they will be in the bill when it comes back to the House and then the gentleman's point of order will be in order.

Mr. PRICE of Georgia. I thank the gentleman.

The final question I have is in the past it has appeared that the agreement between the majority party and the minority party regarding the unanimous consent and time limits on appropriations bills has tended to be during the process of the debate, and if the debate was moving along expeditiously, there was no need for a unanimous consent agreement.

My question is: Is it the intent to operate traditionally as has been done, or is the intent to adopt a unanimous consent agreement prior to the bill being taken up?

Mr. OBEY. If you will take a look at the time that was taken for every bill last year, that time that we have been talking about included the entire time for consideration of the bill. So for example, when we say it took 17 hours and 12 minutes for the Commerce-Justice bill last year, that means it took 17 hours and 12 minutes to do the entire bill from start to finish. Only a part of that time was represented by the time allocated to amendments.

All we are saying is that it is our hope that we can keep each of these bills to roughly the same amount of total time. If you need some flexibility between the bills, the statement makes clear and the understanding is that we will try to show that flexibility so long as it is not abused.

□ 2015

Mr. PRICE of Georgia. The majority leader may be able to assist.

Mr. HOYER. Would the gentleman yield?

Mr. PRICE of Georgia. I yield.

Mr. HOYER. As the gentleman knows, the question was asked, has the unanimous consent been modified. It has not. So that whatever agreement, at whatever time it's reached, will have to have the unanimous consent of the body, each and every Member. That part will be the protection against any arbitrary or capricious action. We are pursuing that. As the minority leader said, there's been no change in that.

Mr. PRICE of Georgia. And I thank the leader, and I withdraw my reservation.

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

Mr. PENCE. Madam Speaker, reserving the right to object, I want to commend the minority leader and the majority leader and the chairman of the committee for an arduous task of coming together across what is an increasingly very wide gulf between the two sides of this aisle and appreciate the difficulty of doing that?

If I may, Madam Speaker, ask the majority leader a question just for clarification purposes and colloquy.

Mr. Leader, on the point of order protection, I was directly involved with a handful of our own when we worked through our side changing the rules in the spring of 2005 for that point of order protection. It is, in effect, a stopgap at the point of consideration of the conference report. An essential element of that is that the point of order is debatable, and I wanted to get your assurance that as we move toward adopting that rule change that that point of order would be debatable. I believe it was for at least 10 minutes per

side. Without the opportunity to debate, there was no capacity for Members or the public to know what projects are objectionable, and that might prevent going forward in consideration.

And I would welcome and yield time for your response.

Mr. HOYER. I thank the gentleman, first, for his comments. Secondly, I thank the gentleman for his question. I happen to believe, I want the gentleman to know, that the rule you were involved with that the minority leader and I have discussed is a good rule. It's a good rule because if something is dropped in conference that nobody knows about it, whatever it may be, I'm not going to mention any specific projects, but we've talked about some during the course of the last 2 days, we will in the rule provide for 10 minutes on each side. So, essentially, what we're doing is expanding under those circumstances by a third the time available for debate on a conference report.

So it is a pretty substantial extension of time. I think to the extent, again, the gentleman was involved, it's an appropriate extension of time so that we do ensure what all want to ensure and that projects that do not justify inclusion in bills and this House or the Senate rejects them or wants to reconsider them, that we have that opportunity. So the debate will be included in the rules recommendation.

Mr. PENCE. I thank the distinguished majority leader for that very direct and clear reply. The minority leader nodded his assent. There's very little value in point of order protection if Members do not have the ability to point to those aspects of the legislation that are objectionable.

But I will also, and I'm prepared to yield time to the distinguished chairman of the Appropriations Committee for a question, I would also say that point of order protection obviously calls for a vote on whether to proceed with consideration for the entire conference report. It would not, and Members should be alerted, it would not be a specific vote on a specific objectionable project; and, therefore, the likelihood that a point of order would be successful, given the fact that appropriations bills generally have many fathers and mothers in this institution, is fairly remote.

So I would say to the distinguished chairman of the Appropriations Committee that it certainly is not a substitute for the opportunity in the regular process here on the floor to challenge specific elements of bills, whether they be earmarks or other policy-related additions and programs. And so it's to that point and to this longer-term understanding that I wanted to ask the chairman of the Appropriations Committee for some further clarification. And, again, I want to reiterate my respect for the chairman, for the leader and my special respect and gratitude for the minority leader for their efforts in this regard.

But with regard to your expectation, I think you just used the phrase that the amount of time that would be subject to a negotiation for a unanimous consent on each bill going forward would be a good-faith negotiation, and it would be based on, in your words roughly, the same amount of time that had been attributable to those specific appropriations bills in the past.

I think the chairman made reference to 108 hours earlier in the last session of the last year of the Congress. I would note that we did not consider, to my recollection, a Labor-HHS bill during that period of time. I just wanted to give the chairman a respectful opportunity to express what your expectation of that may be because for many of us the opportunity to come to the floor and challenge individual provisions of bills and also make amendments for additions to bills is critical, and I would yield.

Mr. OBEY. Let me simply say that when we compiled these numbers, since there was no Labor-H bill considered last year, we simply looked at the amount of time that it took the previous year to consider the Labor-H bill, and that was 12 hours and 43 minutes. So I think that in 12 hours and 43 minutes, if Members have an objection to an earmark or any other provision, they are going to manage to find a way to bring it to the attention of the House. And if they can't figure out how, I would just ask that you talk to the gentlewoman from Texas (Ms. JACKSON-LEE) and she will show you how to do it. She's got a lot of experience.

Mr. PENCE. Reclaiming my time, I would yield to the minority leader for a response on this, if he would like.

Mr. BOEHNER. As soon as I catch my breath, I will be happy to give you one.

The agreement we have reached with our colleagues on the other side of the aisle is intended to preserve every Member's right to make additions, to make changes, to offer amendments to the bill. I think, how can I best describe this, that over the course of at least the last two or three years that I'm aware of, we've brought these bills to the floor under an open rule, and there have been bipartisan agreements, the unanimous-consent agreements, on how we're going to proceed. And the agreement that we have is basically to uphold what we've done in the past few Congresses.

And so as the gentleman pointed out, what we've agreed to is generally, the time limits, times that were used in the past, but it's general. We don't know what these bills look like, some of them yet. We're not sure what they may contain, and so I felt constrained in coming to an agreement on a specific time limit because we haven't seen the bills, but I think there are enough of us in this Chamber who've worked together, who trust each other to be able to come to a unanimous-consent agreement that gets unanimous consent because that's how it works.

Mr. PENCE. Reclaiming my time, and before I withdraw my objection, let me say I appreciate that clarification from the minority leader and from the chairman of the Appropriations Committee. I assume good faith by both the distinguished gentlemen, and I will say I certainly reserve the right to object to future unanimous-consent agreements, but I look forward to supporting the unanimous-consent agreement today.

And I withdraw my reservation.

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

Mr. HENSARLING. Madam Speaker, reserving the right to object, first I wanted to thank the distinguished majority leader, thank the chairman of the Appropriations Committee, thank the Republican leader for all of their efforts to bring us to the point where we are at the moment.

I think we've certainly heard much about the process and procedures that will take place under this anticipated agreement, but I think it's very important to note for the entirety of the body, and particularly for those of us who have spent a lot of time on the floor since this debate ensued, that with this agreement what we will see going forward after these first two bills is that we will see earmarks in the bills. We will see transparency. We will see the ability of Members to be able to strike at those earmarks. That is what I believe I have heard this evening. That is what much of this debate has been about, lo these many hours. I, for one, believe that to be a good thing.

I believe I heard that there is hopefully an expectation of open rules. I understand the majority leader's caveat. I understand there is an anticipation of UCs, as historic norms dictate. I understand there is an anticipation that substantive amendments will be accommodated. I understand that substantive amendments may be in the eye of the beholder and men and women of good faith must work together, and I understand there is an anticipation that if bills are of historic norms, that debate time may be of historic norms as well.

But I did want to signal that, if I have the proper understanding, that I wanted to thank the majority leader, the chairman of the Appropriations Committee, and the Republican leader for their efforts to bring the ability of Members to be able to see these earmarks and challenge these earmarks. I assume that, as I have spoken, if any of the gentlemen involved believe that my understanding is incorrect, I would be happy to yield time to them.

Seeing no one believing my understanding is incorrect, again, I want to thank them for bringing us to this point, and I withdraw my objection, Madam Speaker.

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

Mr. FLAKE. Madam Speaker, reserving the right to object, I have a few

concerns. Early this year when authorizations came to the floor, authorization bills and the CR and also last year with appropriation bills and in previous years, it is a common practice to have the report come to the floor very late in the day. In fact, for the Intelligence authorization bill, I believe the report came to the floor a few hours after the deadline for submission for earmarks.

What assurance do we have that reports, the committee reports that contain the earmarks, will actually come to the floor in a timely manner? Because it will be difficult to enter into any unanimous-consent agreement on a bill if we haven't had adequate time to actually review the earmarks. I know there has been talk, there's always talk, about some 48-hour rule or 72-hour rule, but it is routinely broken. And is there any assurance that we can have on this side that we'll do better in that regard? Because the record so far this year is not good with regard to authorization bills.

I know that is not your fault, but I'm concerned that we won't get the committee report in time to adequately review the earmarks in it in order to enter into a useful unanimous-consent agreement.

Mr. OBEY. Let me say, and then be very blunt about this, this agreement requires a lot of trust between people. I've had to rely on a lot of trust on the minority leader tonight, and I expect to have the right to expect the same consideration from others in this House.

We have not had much experience in the last 14 years at either producing or delaying reports. That has been the prerogative of the majority party. We're now the majority; and as you know, we had a lot of catch-up work to do from the last session, and we've been working long hours. It is not our responsibility to run the printing office. Sometimes we don't have control over when documents are printed. Sometimes the process breaks down there; sometimes it doesn't.

All I can assure the gentleman is that we are going to try to comply not only with the letter but the spirit of the rules of the House.

□ 2030

When I was in the minority, I was pushing very hard to see the 3-day practice maintained, even though the rule had been changed to 2 days. We intend to continue to do that.

Mr. FLAKE. In the same vein, we now have rules that require submission of a letter. You have them in the committee now. What assurance do we have that the letters will be released to the public? For every earmark that is in the legislation, will there be a letter with the Member's name next to it, the description of the earmark, the entity that is receiving it; will that be released to the public as soon as the committee report comes out?

Mr. OBEY. The answer to the gentleman's question is ''yes.''

Mr. FLAKE. With regard to authorization, I sent a staff member to the Armed Services Committee. The staff member could not remove the list, could not make copies, had to sit and actually just make notes of the some 680 earmarks, letter request forms that were there. Is that going to be the practice of the Appropriations Committee? Will copies be available? Can outside groups come in?

Mr. OBEY. Let me be very frank. I haven't had time to consider any of these questions because I have been so tied up simply trying to move bills. All I can tell you is we will comply with whatever the rules of the House are. Frankly, at this point, I am not exactly sure what they are. Whatever they are, I will comply with them.

Mr. FLAKE. I would submit that it's unacceptable. The reason we have this transparency, where we have letters actually requesting the earmark, indicating the entity that it goes to, the specific purpose for the earmark, is so that we make informed judgments here on floor.

If all we can do is have one staff member go in, they have to wait while meetings are held, they can't go in certain rooms, they are told that they can only read from the list and take notes, not make copies. The practice in the past has been, and I am not saying that this is more a problem with the majority than it was with the previous majority, we had trouble then. But if we're going to have an open, transparent process, it would be nice to have, to actually think that you want this information out rather than holding it back as long as you can.

Mr. OBEY. No one is trying to hold back information. What I need is time to know what that information is.

With respect to the certifications you are talking about, they will be available in the committee office to the public, to Members of Congress, and they will meet whatever requirements, whatever other requirements of the rules that there are. All I can tell you is that we haven't given any consideration to earmarks at this point because we haven't had time to.

I think the agreement that we have here tonight finally recognizes the fact that if we're going to proceed with these bills, that we simply haven't had time to produce the initial earmarks.

We are slowing down this process considerably. I want to assure you that we're going to do everything we possibly can to comply with the spirit and the letter of the law. The gentleman knows me. I hope the gentleman regards me as someone who is up to his commitments.

That's all I can honestly say.

Mr. FLAKE. I thank the gentleman. I do hold the gentleman in high regard. It just seems to me that when the committee report is released, there is no reason for the Appropriations Committee at that time to make it difficult for other Members to view request letters.

Mr. OBEY. No one is trying to make anything difficult for any Member to review anything.

I don't know what experience you had under the last regime. We have not had an opportunity to perform on that yet.

Mr. FLAKE. All right. I just wanted it on the record that there would be. We've had it with the authorizing committee already. I just want to make sure it doesn't happen with the Appropriations Committee.

Mr. OBEY. With all due respect, I take no responsibility for anything done by any authorizing committee.

Mr. FLAKE. Good point. Another point, you made the example of the education bill last year that took some 12 hours to get through. My expectation is that there will be a lot of earmarks in that bill and many others. Last year I offered a total of 39 on all appropriation bills.

I was constrained considerably. Many of the amendments that I drew up and brought to the Parliamentarian, I was told that it would be subject to a point of order because the earmark was so vague, that the language was so vague, and that it didn't refer to a specific facility. There were many amendments that I wanted to bring forward and couldn't.

I don't expect that to be the case this time because we have better rules in terms of the letters, the request forms, the entity that has to be there. So what I am saying is I expect there to be more amendments brought.

I think it may be unrealistic to expect us to be constrained by last year's time frame. It may be longer. As long as it is subject to a unanimous consent agreement, and Members like myself or others who want to bring additional, or maybe more than were brought last year, can still bring those forward, then I think that's the only basis that we can move under.

Madam Speaker, I yield to the minority leader.

Mr. BOEHNER. I appreciate my colleague for yielding. Unanimous consent means unanimous consent. It's the commitment on the part of myself and my colleagues on the other side of the aisle to work with our respective Members to make sure that every Member's needs are met in the unanimous consent agreements.

Now, we will be happy to work with the gentleman on his issues as we go through these bills. It's not intended to deny any Member's right to offer an amendment here on the floor.

Mr. OBEY. If the gentleman would yield, one of the reasons I have been trying to explain to the House why it takes so long to carefully screen these earmarks, is because many of the requests that come in are so vague that we don't understand where that money is intended to go to.

So then we have to go to the individual Member, and we have to say, hey, we really can't tell from your request where this is supposed to go. You

need to change your request so we know what you are talking about. Then we have to sort them out so we know that you don't have three people asking for the same thing in different language. That takes a lot of time.

So if the gentleman thinks that sometimes you're confused, so are we. That's why we were asking for more time.

I want to stipulate one thing. I recommended to this House a proposal that I thought would give us the best possibility of avoiding future embarrassment. This agreement indicates the House wants to go in a somewhat different direction.

That means that with respect to almost all of these bills, we will have less time for our staff to review them than would have been the case under the proposal that I was suggesting.

In my judgment, that means that we will run a higher risk of mistakes than we would have otherwise had, because we will not have the entire month of July for the staff to review these requests.

So I am giving up on that expectation for a higher level of staff review so that we can continue to do the people's business and get through these bills in time for program managers to get funding out for these programs in an orderly manner.

So a lot of us have a lot of complaints about this. I didn't invent the earmark process. If I had my way, there wouldn't be any, as the gentleman knows.

But it's my job as chairman not to pursue what I believe. It's my job to try to find a balanced point in the House that I think will achieve consensus in the House, hopefully between two parties. That's what I would try to do, and I will appreciate the recognition of that fact from the gentleman and every other Member of this body.

Mr. FLAKE. Duly recognized. I think that it argues for far fewer earmarks. You made a comment last year that I agreed to.

Mr. OBEY. Even though the Senate is resisting, I am the person who ended the earmarks. I am the person who put a moratorium on earmarks for a year. You know that two-thirds of your caucus and two-thirds of my caucus were mad as hell at me when I did that.

Mr. FLAKE. I know that.

Mr. OBEY. I am now trying, and so is our leadership, to reduce earmarks by at least 50 percent.

As you know, there are a lot of people who are angry about the fact that we are cutting earmarks by that much.

Mr. FLAKE. I understand that. I know we need to move on. Let me just make one point. I think it is extremely important that the letters requesting the earmarks are made public at the quickest possible time. I will object to any unanimous consent request.

Mr. OBEY. With all due respect, the letters requesting earmarks are not going to be made public. Let me explain what will be made public. I will take responsibility for every earmark that I recommend. But I have no intention of taking responsibility for somebody's pipe dream that we reject.

Mr. FLAKE. Oh, no, I am talking about those that are approved, that are going into the bill.

Mr. OBEY. I have already told you those will be available. I don't know how many times I have to chew my tongue, but I have already told you.

Mr. FLAKE. But what I am saying is outside groups have come as well. They would like access. I share the gentleman's pain in trying to go through and review these. That's why it would be useful at the quickest possible time to let outside groups as well review these.

Mr. OBEY. With all due respect, we will comply with the House Rules. That's the best assurance I can give the gentleman.

Mr. FLAKE. That's what I am after.

Madam Speaker, I withdraw my reservation.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I have had a discussion with, not directly with the minority leader, but on the representation of the minority leader, I have discussed with the ranking member, Mr. ROGERS of Kentucky, Mr. PRICE and the chairman of the committee.

It will be our intention to roll all votes until tomorrow morning, so that there is no expectation that there will be any more votes tonight for Members. The debate will be concluded.

Madam Speaker, I yield to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. What time may we expect to come in tomorrow?

Mr. HOYER. Nine o'clock.

Mr. BURTON of Indiana. At what time may we expect some floor votes tomorrow?

Mr. HOYER. Probably about 9:10 or so, just about 9 o'clock.

Mr. BURTON of Indiana. Thank you.

Mr. HOYER. Mr. SHAYS asked me informally when we are getting out. We are working on a unanimous consent agreement between the minority and the majority on the MILCON bill, and that will hopefully facilitate us getting out. I will tell you the minority and majority both believe it ought to be relatively brief, as the MILCON bill has been in the past.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Mr. OBEY. Madam Speaker, I ask unanimous consent that, during further consideration of H.R. 2638 pursuant to House Resolution 473, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVII and clauses 8 and 9 of rule XX.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 473 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. 2638.

□ 2044

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. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 13, 2007, the bill had been read through page 3, line 10, and pending was amendment No. 9 by the gentlewoman from Virginia (Mrs. DRAKE).

Pursuant to the order of the House of today, that amendment shall be debatable for 10 further minutes, equally divided and controlled by the proponent and opponent. No further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from New York (Mr. SERRANO) each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Chairman, this amendment reduces the Office of the Secretary of Management $10.4 million, and increases ICE salaries and the expense account by $9.1 million, restoring the funding that was in the President's budget to fund the 287(g) program.

□ 2045

I chose this account because between 2007 and 2008 budgets, it has increased 60 percent, or a total increase of $89 million. The 287(g) program provides training, technology, and resources to local law enforcement officers to work with the Federal Government, with ICE, to identify illegal aliens who have broken our laws.

This is a voluntary program available to both our State and local governments. Currently, it is implemented in 13 locations. One of the most prominent of these is Sheriff Pendergraf in North Carolina, who has detained and deported 1,900 illegal criminal aliens in the last year.

America saw the very tragic accident that occurred in Virginia Beach that took the lives of two beautiful young women at the hands of an illegal alien

drunk driver. And, Mr. Chairman, this individual had been arrested and detained on DUI offenses in the past and was released onto our streets.

I believe that immigration is a Federal responsibility, but we need the help of local and State law enforcement officials. We need to identify the gaps and figure out how to bridge those gaps.

The 287(g) program can also be used to better coordinate with our DMVs; none of us want fraudulent documents used and driver's licenses issued for our States, and can also be used with our Departments of Corrections, so that when an illegal alien has served time in our prisons and jails, they're deported immediately, and there's no additional expense to us.

Contrary to the report language in this bill, by the end of June there will only be $1 million remaining in the 287(g) coffers. Due to the success of this program such as in Mecklenberg, North Carolina, and high-profile cases like in Virginia Beach, there is an increased awareness and an increased demand for this program.

I ask my colleagues to support this amendment, make our communities safer, and allow better coordination between local, State, and Federal governments.

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

Mrs. DRAKE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to compliment the gentlelady again on an excellent amendment, the hard work that she's put into this issue. I have some problem with the offset, but that's overridden by the urgent need that the gentlelady has illuminated in her amendment.

Allowing our local law enforcement officials and first responders to have authority in illegal immigration problems is the only way, in my judgment, that we will ever be able to solve this problem. And so I commend the gentlelady for this wonderful amendment.

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

Mr. SERRANO. Mr. Chairman, I yield myself as much time as I may consume.

It's clear, it should be clear to Members what this amendment does and what this program does. This, in fact, has local law enforcement enforcing immigration law.

This is the most unpopular and rejected program within law enforcement in this country when it comes to these types of programs. Department after department, police department after police department, sheriff's department after sheriff's department has said we don't want this responsibility, we don't want this job.

In fact, that is the reason why the number of communities that have participated in this program is not anywhere where the proponents would want it to be, because the mainstay, the strength of local law enforcement is the ability to fight crime, to protect the community, and, yes, even to flush out possible terrorist acts by getting information from the community.

Granted, there is an immigration issue. But the police departments, the local law enforcement do not want to play the role of immigration officers because they want the ability to be able to speak to members of the community and get information.

Now, that information may be who did you see near that car that is now missing from that corner. But that information can also be, where did you see and who did you see going into that building where we later found equipment to make bombs that could in fact be involved in a terrorist attack.

Local law enforcement have told us, in big cities and in small cities throughout this country and the rural communities, that they want the ability to work with their communities, and they don't want to be hampered by being asked to enforce immigration law.

And how it works is very simply this. There are people who are in this country without proper documentation. You call them illegal aliens; some of us call them undocumented. But they still live in the community. They still have information and law enforcement needs to work with them.

If they now know that the local police officer, if they now know that the local sheriff's deputy is going to be dealing with them in terms of an immigration situation, they will not open up to that person and give them any information. And in the long run, we will suffer as a Nation.

That's why I think that this is a bad program. I'm sorry it has even a penny assigned to it. But to add more money to it would be a total waste of time.

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

Mr. SERRANO. To you, always.

Mr. ROGERS of Kentucky. The 287(g) program is voluntary by local communities, is it not?

Mr. SERRANO. It may be voluntary, but what happens is that local elected officials who sound like some of us here begin to put pressure on the police department to get into the program when, indeed, just about every law enforcement agency, local law enforcement in the Nation has gone public to say we don't want it. And in this case, we don't even want people to ask us to join it.

Mr. ROGERS of Kentucky. Well, if the gentleman would yield very briefly, every community has the decision to make. If they don't want to participate, that's their business. But for those communities that do want to participate, it seems to me like we ought to allow the local option to take effect.

Mr. SERRANO. Reclaiming my time, it's just, with all due respect to my brother, Mr. ROGERS, it's just bad policy. It is not the way to get at an issue.

We are now dealing with the Senate, and we will be dealing in the House with an immigration reform bill. We will eventually deal with that issue. In the meantime, we have other business to take care of in this country, other protections to offer to our citizens.

To have the local police officer, on top of the fact that they're busy already, now you're going to give them another assignment. But to have them enforce immigration law, I can't tell you how much all the people I speak to say they don't want that. They want the freedom to get information at all levels of the community and not be seen as an immigration officer.

There used to be a bad joke about somebody would come into a restaurant and yell out ''immigration'' and a lot of people would leave and jump out the window. And that's funny, and it's sad at the same time.

But if you adjust that to a police department in a neighborhood looking for information and having people run away from them because they see them as immigration enforcement agents, then we lose the opportunity to really protect our communities.

Mr. ROGERS of Kentucky. If the gentleman would briefly yield, do you have a problem, though, if Mecklenberg County, North Carolina, wants to do the 287(g) program? You don't have to do it. But is it okay for them to do it?

Mr. SERRANO. I have a problem if we set in motion a wave of desire and push to force local people to do it. And what we hear from local law enforcement is that they're under incredible pressure, political pressure, from elected officials to join a program that they know is not a good program.

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

The Acting CHAIRMAN. 1½ minutes.

Mrs. DRAKE. I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, this past March, Burke County authorities pulled over an SUV in Morganton, North Carolina, packed with 11 illegal immigrants. Local law enforcement officials were forced to release the illegals after being notified that there were not enough Immigration and Customs Enforcement agents available to check on the group's immigration status, even though they admitted that they were illegal.

Law enforcement officials, not the illegal aliens, were handcuffed that night on I–40. Our hands were tied by red tape and bureaucracy and underfunding.

The 287(g) program is working efficiently in my home county of Gaston, and our sheriff there, Sheriff Cloninger, is doing a fantastic job of cross-training deputies to also enforce our immigration laws of this land and gives them the authority, the legal authority, to investigate, detain and arrest illegal aliens on civil and criminal grounds. It paves the way for local law enforcement to be a part of our homeland security.

Mrs. DRAKE. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, this is a very good amendment. The State of Arizona reports it has saved $10.2 million by removing illegal aliens into Federal custody.

The City of Nashville, Tennessee, in it's first year of implementing this program, is reportedly on track to deport as many as 4,200 illegal immigrants.

This is a good program. It needs to be expanded. The lady should be commended. All of my colleagues should vote in support of this very valuable amendment.

The Acting CHAIRMAN. All time on the amendment having expired, the question is on the amendment offered by the gentlewoman from Virginia (Mrs. DRAKE).

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

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

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

AMENDMENT OFFERED BY MR. KING OF NEW YORK

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of New York:

Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

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

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, at the outset let me commend Chairman PRICE and Ranking Member ROGERS for the outstanding job, I believe, and the effort they put into putting this legislation together. And I commend them on an issue which is so vital to our Nation, homeland security.

My amendment would restore $40 million to the Domestic Nuclear Detection Office, DNDO, specifically relating to the Securing the Cities Initiative and the Radiation Portal Monitor program.

Mr. MCCAUL, as the cosponsor of the amendment, will address himself in a few moments to the Radiation Portal Monitor program. I'm going to stress the STC.

Mr. Chairman, intelligence and recent terrorist attacks overseas have led to the conclusion that the next attack against our cities may very well come from outside the city, from suburban areas. And certainly, in New York City, it's been concluded that the STC is the only program which is dedicated to protecting cities against this threat.

Specifically, the STC program involves a ring of radiological detectors on highways, bridges, tunnels and waterways leading into cities. Indeed, the police commissioner of New York, Commissioner Kelly, has said that this program is our best last defense to keep a nuclear or dirty bomb from being detonated within cities.

So this should be a bipartisan matter. While it directly affects New York at this moment, this is a pilot program which will affect the entire Nation.

There's already been two full exercises run. I was present at one of them last week, seeing how effective it was. It involves 90 counties, three States, numerous cities and many agencies. And it, to me, serves no purpose at all to be taking, in effect, $20 million out of a valuable program, a program which very well could end up saving thousands and thousands of lives. And I say that as someone who came from a district that lost well over 100 people on September 11 and certainly doesn't want to go through that again.

This is a very effective, meaningful program, and I would, again, implore the House to restore this money, $40 million, to the DNDO.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman from New York's amendment to add a total of $40 million to the funding recommended by the committee for the Domestic Nuclear Detection Office.

I have concerns, first of all, about two of the proposed offsets. First, the amendment proposes to reduce funding for the Office of the Under Secretary for Management by $35 million. The amendments adopted earlier this week already cut the Office of the Under Secretary for Management by 17 percent. This amendment, if adopted, would reduce the office by another 18 percent.

□ 2100

This means that DHS will be unable to consolidate its 60 locations in the D.C. metro area into a new headquarters facility at St. Elizabeth's.

Secondly, the amendment would reduce $5 million from the Coast Guard's research, development, testing, and evaluation program. This decrease would eliminate priority research to resolve how the Coast Guard can best operate unmanned aerial vehicles at sea after recent failures in the deepwater program as well as find ways to better manage invasive species such as zebra muscles and ballast water.

At this time, I don't believe, Mr. Chairman, that funding for the Domestic Nuclear Detection Office needs to be increased by $40 million. The committee has already increased the total funding for the office above last year's level by $35 million, excluding the supplemental funding.

The bill before you did make some reductions within this office: a reduction of $20 million for the Securing the Cities program, and a reduction of $20 million for procuring radiation portal monitors. Let me briefly explain those items.

The Securing the Cities program is a proposed pilot program that assumes a radioactive device is heading to the heart of New York City and, in order to detect this device, an elaborate network of radiation detection devices will be installed in a ring around the city. Congress provided $10 million in 2007 to begin this effort. Yet, to the best of my knowledge, very little of this funding has been spent because the Department of Homeland Security has not reached agreement with New York and New Jersey officials on the architecture for this initiative or developed a mutually acceptable deployment plan. DHS testified that this would not occur until at least the summer of 2007.

The amendment being offered by the gentleman from New York would restore funding that we reduced from the President's budget request for this program for 2008. In total we appropriate $19.7 million instead of the $39.7 million requested because of the delays in beginning the pilot program. It is premature to quadruple this program in 1 year without a clear architecture and deployment plan that has been agreed to by all the parties in place.

The bill before you also reduced funding to procure radiation portal monitors for two reasons. First, the Domestic Nuclear Detection Office provided information after the submission of their budget request that reduced the number of radiation portal monitors it planned to procure from 149 to 127 systems in 2008. We fully fund this revised figure, not a higher level that DNDO no longer plans to procure.

Secondly, the recently enacted supplemental provided $100 million for the procurement of radiation portal monitors. This funding, coupled with the House level for 2008, means we are actually $80 million above the funding level requested in 2008. So more is not needed.

I urge Members to oppose this amendment.

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

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

Mr. KING of New York. Mr. Chairman, the gentleman stated that no agreement has been reached and would not be reached until the summer of 2007. We are talking about several weeks from now. The summer of 2007 is coming upon us. And also as far as the agreement's being reached, I have a letter which I would like to introduce into the RECORD, signed by officials from New York State, New Jersey, and Connecticut, all of whom say all that is

delaying the agreement is the finalizing of this appropriation. They are ready to go. They have an agreement in place ready to go, just subject to this appropriation.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, this agreement is not now in place; is that right?

Mr. KING of New York. But it will be. Again, this is a letter signed by all the ranking officials in New York State, New Jersey, and Connecticut. All that is holding it up is this appropriation. Once the amount is known, they will go ahead. But other than that, they cannot go ahead.

Mr. PRICE of North Carolina. Mr. Chairman, the gentleman is saying that the present appropriation, the money in the pipeline, is not sufficient, that their ability to pull their plan together depends on whether your amendment passes.

Mr. KING of New York. Yes, that is true.

Mr. PRICE of North Carolina. That is a strange way to plan.

Mr. KING of New York. It was done in concert with DNDO and with the three States.

Mr. PRICE of North Carolina. Mr. Chairman, at this time I would like to yield the balance of my time to my colleague Mr. ISRAEL.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 seconds.

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

I actually had a question. I support the spirit and intent of this amendment, and I was hoping to ask a question to the gentleman from New York.

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

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

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 2 minutes to Mr. ISRAEL.

Mr. ISRAEL. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding.

I serve on the Appropriations Committee. As I said, I support the spirit and the intent of this amendment. I am concerned that New York City has not effectively advocated for these funds, didn't, in my view, do a sufficient job of alerting the members of the Appropriations Committee to this problem, hasn't lined up its ducks, but I am willing to put that behind us.

I would just ask the gentleman, will the gentleman work with me to pressure New York City to ensure that this agreement is signed? The concern I have is that if it is not signed, it is entirely possible that the bureaucracy at the Department of Homeland Security will take the money meant for New York and send it elsewhere.

So would my very good friend from Long Island, with whom I have a wonderful partnership on so many issues, commit to work with me to pressure the city of New York to get this agreement signed so that the money goes to where it is intended?

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield 30 seconds for a response.

Mr. KING of New York. Yes. I will absolutely assure him that I will work with the city of New York and the Department of Homeland Security to ensure that this money is allocated and used for this purpose and that the agreement be expedited as quickly as possible.

Mr. ISRAEL. Mr. Chairman, I want to thank the gentleman. I understand the concerns he has. I am deeply disappointed in how the city of New York approached the committee or did not approach the committee on this. But I will work closely with the gentleman from Long Island in pressuring the city to conclude this agreement.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, I must say to the gentleman, the sponsor of the amendment, that we on the committee have heard nothing from DNDO about this pending agreement.

I will say this, though: that if between now and the conference on this bill, if this agreement is forthcoming and if we feel that the basis exists to move ahead, then we will certainly be happy to work with the gentleman in considering the final appropriations level. But as I said earlier, I do not believe the basis for an increase of this magnitude currently exists. We just can't responsibly do it.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the coauthor of the amendment, the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I thank the gentleman for yielding.

In response to the issues raised, the DNDO has reached an agreement in principle with State and local stakeholders, and it is about 95 percent there. I submit we cannot wait another year for the appropriations cycle to take place.

This amendment is important. It restores $40 million to the Domestic Nuclear Detection Office. The lack of these funds threatens to delay the completion of the radiation portal monitor program and significantly impair the implementation of securing the cities initiative. Both of these initiatives aim to strengthen the Nation's defenses against a terror attack by a nuclear device or a radioactive ''dirty bomb.''

There is no doubt that the risks are real. We know that nuclear terrorism is the number one threat facing our country and that the economic costs associated with a dirty bomb could reach about $1 trillion. We know that Osama bin Laden and his al Qaeda terrorist network have been attempting to acquire a nuclear bomb. We also know that hundreds of tons of the necessary ingredients of nuclear weapons are dangerously insecure all over the world. There have been numerous documented cases of theft of weapons-grade nuclear material.

But nuclear terrorism is, in fact, preventable, and we should be spending Homeland Security dollars on preventing what could be a catastrophic attack against the United States. Twenty million dollars of the cuts to the DNDO comes out of the radiation portal monitor program. It would delay the completion of these until the year 2013. Acquisition of systems for five ports of entry, including the Port of Houston in my home State of Texas, would be delayed, and this means that more unscreened cargo would get into this country.

Such a delay is unacceptable. And the best deterrence against terrorism is to disrupt the ability of terrorists to do what they want to do, and that is to kill Americans.

I urge my colleagues to support this amendment.

Mr. KING of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Staten Island, Brooklyn, (Mr. FOSSELLA), who lost more than 300 people on September 11.

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

I very strongly urge the adoption of this amendment. The focus, as we all know, should be on preventing another 9/11, as the police commissioner from New York has underscored many, many different times, that to place this ring around New York City and major urban areas will be a strong deterrent to anybody even contemplating. So I strongly urge the adoption of this great amendment by my good friend from Long Island, New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Let me again at the outset commend the gentleman from North Carolina for his good faith and effort. We have an honest disagreement on this, but I certainly commend him for the time and concern he has shown on this issue, and I certainly appreciate his offer to work with me.

I would just ask to introduce into the RECORD this letter from virtually every law enforcement official from New York, New Jersey, and Connecticut, State police, local police, fire commissioners in New York City, Nassau County, Suffolk County, Westchester County, and all of the State officials of New Jersey and Connecticut.

I urge the adoption of the amendment.

NEW YORK REGIONAL JOINT WORKING GROUP ON SECURING THE CITIES,

June 12, 2007.

Subject: FY08 Appropriation for Securing the Cities Initiative.

Hon. PETER T. KING,
Ranking Member, House Homeland Security Committee, Washington, DC.

DEAR RANKING MEMBER KING: We are writing to urge you to fully fund the President's FY08 request for the Securing the Cities (STC) initiative: $30 million for procurement and $10 million for R&D.

We are profoundly concerned by the prospect of a terrorist attack against New York

involving a radiological weapon or improvised nuclear weapon. We know al-Qaeda and its affiliates are interested in perpetrating such an attack and will do so if they can. The STC initiative is the only federal initiative dedicated to defending New York from this catastrophic possibility. A Congressional decision to provide less than the full amount requested by the President for this new and important program will significantly impair our region's ability to defend against, and prepare for, the most terrible threat imaginable.

The STC initiative is an extraordinary example of interagency and intergovernmental collaboration. Together, we represent three layers of government, three states, over ninety counties, numerous cities, and many different agencies. In partnership with the Domestic Nuclear Detection Office (DNDO) of the Department of Homeland Security, we are working together in a truly unprecedented fashion. In the short time since STC began, for instance, we have conducted two full-scale exercises (with a third planned for this week) in which a radiological substance was surreptitiously transported in a vehicle on a highway and then intercepted by our agencies; we have coordinated our procurement of radiological detection equipment and have designed a concept of operations for the larger regional system envisioned in the STC initiative. A regional deployment plan for FY08 is nearing completion and has been delayed mainly by uncertainty over the total amount of funding that will be available from the Federal Government.

We appreciate your full consideration of this request. We welcome the opportunity to brief Members of Congress or their staffs on the progress of this initiative either in the New York region or in Washington, DC. We believe the Securing the Cities initiative in the New York region should be a model for the nation which was indeed one of its intended purposes.

Sincerely,

Raymond W. Kelly, Commissioner, New York City Police Department.

Nicholas Scoppetta, Commissioner, New York City Fire Department.

Preston L. Felton, Acting Superintendent, New York State Police.

Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police.

Colonel Thomas Davoren, Connecticut State Police.

James H. Lawrence, Commissioner of Police, Nassau County Police Department.

Richard Dormer, Commissioner, Suffolk County Police Department.

William A. Morange, Deputy Executive Director, Metropolitan Transportation Authority Police Department.

Michael Balboni, Deputy Secretary for Public Safety, New York State.

F. David Sheppard, Director, New York State Office of Homeland Security.

James F. Kralik, Sheriff, Rockland Couty Sheriffs Office.

Thomas Belfiore, Commissioner, Westchester County Police Department.

Richard Cañas, Director, New Jersey Office of Homeland Security and Preparedness.

James M. Thomas, Commissioner, Connecticut Office of Emergency Management and Homeland Security.

Samuel J. Plumeri, Jr., Superintendent of Police, Port Authority of New York and New Jersey.

Emily Lloyd, Commissioner, New York City Department of Environmental Protection.

Thomas R. Frieden, Commissioner, New York City Department of Health and Mental Hygiene.

Joseph Bruno, Commissioner, New York City Office of Emergency Management.

Janette Sadik-Khan, Commissioner, New York City Department of Transportation.

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

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

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

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

AMENDMENT NO. 13 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 2, line 16, after the dollar amount insert ''(reduced by $89,125,000)''.

Page 11, line 24, after the dollar amount insert ''(increased by $89,125,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN WAITE of Florida. Mr. Chairman, Americans are in a crisis of confidence. They hear Members of this Congress proclaiming the importance of border, port, and airport security. But then they hear about lapses. They hear about neglect.

For instance, several of my constituents contacted me about an immigration reform rally in the Tampa area. It was widely understood that illegal aliens were going to be present. Well, a constituent called ICE to report this information, and they told her they did not have credible intelligence or staff capable of going to the rally to investigate. When my local sheriffs call ICE because they have apprehended an illegal alien, ICE says they can't come because they are far too busy.

But when this Congress said that they will build 700 miles of a border fence last year, DHS, it seems, said, No, thank you, we will stick to 370 miles, we will take a lot of time and money to do it.

And, frankly, I am fed up with some elected officials and nonelected people promoting amnesty while ignoring the illegal presence in our country. Congress said build a fence. That means now.

My amendment is very simple. It takes $89 million from the Under Secretary for Management's account, keeping the account at the fiscal year 2007 levels, and transfers that amount to the border security fencing, infrastructure, and technology account. CBO has scored this amendment as budget neutral.

Congress must not accept anything less than the 700 miles of fencing in the exact locations that we authorized. With this money we send both a stark wakeup call to the department and we will be keeping promises to our constituents. The people of America deserve better than what DHS is giving them. So far a measly 1.8 percent of the fence is completed.

Leaving funds at the fiscal year 2007 levels for the department shows that we are serious. Why should their management be rewarded with bigger budgets when they haven't completed their work for fiscal year 2007?

□ 2115

Let me see: fence. Build a fence or build a bureaucracy? I think our constituents would answer that very clearly, build a fence.

I want to be able to say that we kept our promise to America. Mr. Chairman, this amendment simply says build a fence, and a vote for this amendment is to complete the fence we promised. A vote against this amendment is a vote to leave our borders unsecured.

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

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

This amendment would increase funding for the Border Security, Fencing, Infrastructure and Technology account by 9 percent above the administration request.

The bill funds the $1 billion request, bringing funding for the Border Security program, since its inception, to $2.54 billion, but the amendment would increase this further.

Now, the requested fiscal year 2008 funding that we have included will enable CBP to complete construction of 370 miles of primary fencing and 200 miles of vehicle barriers. While the specific mix of technology and infrastructure has yet to be determined, the Department has confirmed that those are the current limits of such infrastructure required to achieve operational control of the southwest border, with the remainder being addressed through technology or existing assets.

In part, because of the requirements for a detailed expenditure plan, the Department has broken out its proposed investments in a way that aligns its requirements with its resources. There is no rationale in its plans for additional funding at this time.

In short, additional funding for this program would be based on no rationale and no known program needs. On the other hand, the proposal to reduce funding for the office that oversees departmental management is arbitrary. I must say, it fits the pattern of the last couple of days of simply going after the departmental secretary of this Republican administration. But it is an arbitrary cut. It would have the effect of degrading the capacity of the Department to oversee itself and thus reduce

the very accountability we want to establish.

I urge my colleagues to reject this amendment.

Mr. Chairman, I now yield to my colleague from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise also in opposition, and I'll tell you why. I've been to the border and I've traveled the area that you're talking about. It's in the Barry Goldwater range. It's a very rural area. It's actually an area where you have Indian tribes. I mean, this is so rural you can't believe it. I am really surprised that the gentlewoman rose on this because she doesn't have any border in her State, nor fence. I come from the State of California which not only has a border; it has the busiest border in the world.

I am also in opposition to this because I have talked to the Border Patrol. This is not a fence that they are asking for. What this fence is for is a fence in the military range. It should be coming out of the military budget because it is just in the middle of absolutely nowhere, where there is very little, if any, crossings. You would be much more effective in detection rather than fences. Border Patrol once said, you know, a 12-foot fence, you just need a 13-foot ladder.

I respect the fact that you think that this is going to get you somewhere, but I can tell you that it's not wisely spent money. There are much more cost-effective ways to do border detection than building a fence in the middle of nowhere.

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

Ms. GINNY BROWN-WAITE of Florida. I would inquire as to the time remaining on my side.

The Acting CHAIRMAN. The gentlewoman from Florida has 2 minutes remaining.

Ms. GINNY BROWN-WAITE of Florida. I would like to yield 1 minute to my friend from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise today in support of my colleague from Florida and her amendment that will enhance the ability to secure our borders.

The enactment of the Secure Fence Act last year was a step in the right direction because this act recognized that most illegal immigrants do enter from the southern border. The Secure Fence Act directs the Department of Homeland Security to construct hundreds of miles of reinforced fencing, not just fencing, but additional physical barriers, roads, lighting, cameras and sensors along that southwest border.

Building the fence is a very expensive and urgent construction project. My constituents in West Virginia, who do not have a border, say, What is taking so long, and why are so many people still able to enter our country illegally? Unfortunately, part of it has been a lack of funding.

So with this amendment, I think the gentlewoman from Florida has put forth a good-faith effort to see that this fence not only is built, but is built quicker and that the border becomes more secure.

I support her amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I would like to yield 45 seconds to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, in response to a comment that was just made, I would remind my colleague that in this day and age and in this time in which we find ourselves, every State is a border State and every town is a border town because of the situation that we find on the southern border of this Nation.

Mr. Chairman, 283 Members of this body voted to build a fence, so it is incumbent upon us to appropriately and fully fund that fence.

I support the amendment of the gentlelady from Florida. I rise to support her efforts. I commend her for this. The bill before us underfunds the effort of building the fence.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentlewoman from Tennessee.

Mr. Chairman, it is not just the border States that are affected by illegal immigrants who come into our country. They are not all coming here for jobs, folks, and I think we are very naive if we believe that. Some are coming here to form terrorist cells. And a fence may not be the perfect answer, but it is the answer that this Congress voted on last year.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. PRICE of North Carolina. Mr. Chairman, let me just reiterate that anyone who will look at this bill for a minute or two will realize that the border infrastructure, including the fencing, is fully funded in this bill. It is not underfunded; it is fully funded at the administration's request.

We do provide for the very careful consideration of what is the appropriate mix of technology and infrastructure to create this barrier along the border. That is what the Department, of course, has requested and it's what, I think, rationally they should undertake.

So I reiterate that there is no reason for this additional funding, and I ask my colleagues to oppose it.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong opposition to the amendment being offered by my colleague, Ms. BROWN-WAITE.

I want to prevent criminals and terrorists from coming into this county. I believe we should enforce our immigration laws. As a lifelong resident of the border region, I also know how interdependent border communities are on movement back and forth. Families live on both sides of the border. People cross back and forth to shop, go to school, and attend church. Endangered and unique species of birds and wildlife need access to habitat found on both sides of the border to survive.

A physical fence along the portion of the U.S.-Mexico border that I represent would be devastating. It would cut off livestock from access to our scarce water resources and hinder the ability of our irrigation districts to get water to our farmers. It would require the condemnation of private property.

It would undo everything that has been done and the millions that have been spent over the last few decades to create Federal wildlife refuges and parks to protect unique habitat. It will destroy our new multi-million dollar ecotourism industry. I ask unanimous consent to include in the RECORD an article from the Houston Press on the environmental and economic impact of the fence in the Rio Grande Valley.

We just learned this week that the proposed fence would divide the University of Texas Brownsville in half leaving part of the campus on the wrong side.

Our residents are protected from flooding by a levee system that is in disrepair and would become even less effective by the addition of fencing. Fences would inhibit the ability of our first responders and emergency coordinators to evacuate people during natural disasters.

A physical fence tells the people of Mexico: We don't want you. Keep the billions of dollars you would have spent in our stores and restaurants. Don't come here and help create the jobs that have finally brought my district's unemployment rate down from 23 percent to 7 percent.

If all of these arguments don't sway you, then maybe fiscal reality will. A physical fence is three times more expensive than a virtual fence. We will spend billions upon billions of dollars building this physical fence. My constituents don't understand why this Congress can find such huge sums to build a fence that could destroy the border economy and take away their jobs, yet we can't find $100 million to fix their levees and save millions of lives or a few million dollars to build them the veteran's hospital for which they have been begging for years. Frankly, I don't have a good answer for them.

We have the technology to create a virtual fence. The money saved by not constructing a physical fence could be used to hire more Border Patrol agents and law enforcement personnel who are still going to be needed even if we build a physical fence.

At the very least, my communities, who are going to have to live with the consequences of this fence, should be able to have their concerns heard and taken seriously before a fence is constructed.

I urge my colleagues to oppose this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. BURGESS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURGESS:

Page 2, line 16, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 23, line 16, after the dollar amount, insert ''(increased by $15,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and the gentleman from North Carolina (Mr. PRICE) each will control 2½ minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, this is a very simple amendment. The Secure Flight offset amendment will reduce the Department of Homeland Security Office of Under Secretary for Management by $15 million and increase the Transportation Threat Assessment account by $15 million.

The Department of Homeland Security Under Secretary for Management oversees the Audit Liaison Office at the Department of Homeland Security. This liaison office helps to oversee the Department's efforts to coordinate with the Government Accountability Office, the Office of Inspector General, and DHS component agencies.

The liaison officers have not been meeting the goal for which they were first funded, that is, to keep the agencies updated and to avoid duplication, to avoid gaps and to avoid inefficiency. The liaison officers have not been successful in providing a centralized and coordinated process. Therefore, this amendment reduces funding for this office by $15 million and increases the funding for the Transportation Threat Assessment Act by $15 million.

The funding would be used by the Transportation Security Administration to further the development of the passenger pre-screening program called Secure Flight. When fully implemented, Secure Flight will be able to more effectively compare passenger information to information that is contained within the Federal terrorist watch list.

Secure Flight will decrease the chance for compromised watch list data by centralizing the use of comprehensive watch lists. It will further provide earlier identification of potential threats, allowing for expedited notification of law enforcement and threat management. And, finally, it will offer consistent application of an expedited and integrated redress process for passengers who have been misidentified as a threat.

Secure Flight is a critical part of the TSA's overall strategy to secure the Nation's commercial air transportation system and deserves more money to be fully implemented as soon as possible. It will give cleaner and more efficient data to our air carriers.

Constituents throughout our country, certainly constituents in my district, have contacted my office because they have been misidentified by the Transportation Security Administration, and they simply cannot be removed from the watch list. Increasing the Secure Flight initiative would help that process, and it is time we did increase the funding for that.

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

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

I am opposed to this amendment, and I will briefly explain my reasoning.

I do support the development of an effective screening program that would prevent known terrorists from boarding airlines headed to the United States; of course we all favor that. For that reason, I recommended $10 million more for Secure Flight than what Congress appropriated last year, and that is in this bill. Further funding is premature.

Many times tonight, I am sure we are going to be dealing with questions of priorities and objectives with which we all agree. But as many people on both sides of the aisle are fond of saying, it doesn't solve anything just to throw money at something. You have to look at what can be intelligently and wisely spent, and we have done that throughout this bill.

This Secure Flight program is troubled in ways that make us reluctant to throw the kind of money at it that the gentleman is suggesting. While earlier this year TSA completed the year-long assessment of the program, the assessment didn't include total cost estimates for development of the program and did not assure the committee that privacy rights will be protected.

The Government Accountability Office has reported multiple times this year on concerns it has with the Secure Flight program. It has recommended a variety of management actions that TSA should undertake to get this program back on track. The agency must have to have incentives to undertake those improvements. We don't do them any favors simply by loading more money onto existing appropriations. TSA continues to provide our subcommittee with conflicting information on how the budget requests for Secure Flight will be spent in 2008. And, finally, recent documents show that the operational testing of this program has now slipped into 2009.

For all of these reasons, we very carefully calibrated what the traffic will bear and what the appropriation should be. It's an increase, but there is no rationale for the kind of increase the gentleman is suggesting.

Now, like many other people, the gentleman has targeted Secretary Chertoff's office for the offset, a cut of $15 million. Well, if everybody does that, and many plan to, then we are going to reduce these accounts to the point that DHS simply cannot consolidate its 60 locations into this new headquarters facility and they can't carry on their basic operations.

So, Mr. Chairman, until TSA can get a firm handle on what Secure Flight will do, the milestones to develop this program, its costs, and how it will protect the privacy of U.S. citizens, it is premature to provide additional funding for this troubled program.

I urge Members to oppose this amendment.

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

Mr. BURGESS. Mr. Chairman, I would just simply say this is a good amendment. I would encourage my colleagues to vote in favor of this. As someone who travels frequently, I want this program to be upfunded and running well.

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

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

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

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word for purposes of engaging in a colloquy with the gentleman from Rhode Island.

The Acting CHAIRMAN. As the designee of the full committee chairman, the gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have worked to bring greater attention to the issue of cybersecurity, which remains a vulnerability in our national infrastructure.

I believe it is critical that adequate funding for cybersecurity research and development be made a priority at the Science and Technology Directorate.

□ 2130

Unfortunately, this issue has been largely overlooked within the Department of Homeland Security. In fact, out of the $22.7 million in fiscal year 2007 funding appropriated for the S&T Directorate for Cybersecurity R&D, only $13 million actually has been spent on cybersecurity. The rest has been reallocated to other programs at the directorate. For fiscal year 2008, the President slashed the budget again, requesting only $14.8 million, which is an $8 million cut from the previous year.

As the chairman knows, my subcommittee has raised attention to this

issue, and the full committee authorized $50 million for cybersecurity research and development. As the committee's authorization and appropriations bills move forward, I would like to work with the chairman so that we can assure appropriate funding for cybersecurity research.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman from Rhode Island for raising this important issue, and I agree that our Nation must protect its critical infrastructure from cyberattacks. Research and development efforts at the S&T Directorate will be vital to our homeland security activities. I look forward to working with the gentleman to bring greater attention to the issue of cybersecurity and to provide adequate funding for these efforts, and I very much appreciate his vigilance, outstanding among all the Members of this body, in attending to this issue.

Mr. LANGEVIN. I thank the gentleman, and again I want to thank you for your attention to this matter of national significance, and I do look forward to working with you. And I also appreciate all your hard work on the Homeland Security appropriations bill in general. Again, I appreciate the gentleman's efforts.

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

AMENDMENT OFFERED BY MR. FERGUSON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FERGUSON:

Page 2, line 16, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 39, line 14, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 5, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 21, after the dollar amount insert ''(increased by $50,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. FERGUSON) and the gentleman from North Carolina (Mr. PRICE) each will control 2½ minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FERGUSON. Mr. Chairman, I want to first thank the chairman of the subcommittee and the ranking member for the good work they have done on this bill.

I rise to offer this amendment which holds great importance not only to my home State of New Jersey, but really to the entire Nation. My amendment is a simple one and it is one that is a step in acknowledging the dangers that we are still faced with following the attacks of September 11, 2001.

My amendment would transfer $50 million from the DHS Office of Under Secretary for Management to grants, contracts and cooperative agreements to State and local law enforcement agencies for terrorism prevention activities.

Specifically, this amendment would increase funding for DHS buffer zone protection grants. These funds can be used to enhance security and protection around sites of national importance. These areas of national importance include not only banking and financial sites, but also government buildings and mass transit systems, such as the PATH in New York and New Jersey, the T in Boston, the BART in San Francisco. However, most importantly, this applies to chemical plants, which pose one of the most dangerous threats to our domestic security today.

These funds could be used to provide increased law enforcement patrols around chemical plants and to protect these critical infrastructures, as well as enhance information sharing among Federal, State and local officials and those in the intelligence community.

For example, in 2007, the State of California received $4.6 million of these grant funds. My home State of New Jersey received $1.5 million in these grant funds. Other States that have benefited from this grant program include Maryland and South Carolina, which have each received nearly $1 million. States like Illinois have benefited. Even States like Idaho, Delaware and Montana have benefited from this program. They have each received over $180,000 in these funds. In fact, in 2006, all 50 States in America received grants from this important program.

New Jersey ranks as one of the leading States for chemical production. Most unsettlingly, New Jersey chemical plans are specifically listed by Federal authorities as ripe targets for potential terrorist attack. Millions of people and essential transportation routes surround these chemical plants. An attack on one of these plants could not only cause tremendous loss of life, but also irreversible environmental damage by unleashing secondary explosions or toxic fumes and substances.

Make no any mistake, this amendment wouldn't only benefit New Jersey.

Countless states throughout the Nation that are home to high-risk targets also would benefit from this amendment, which would increase DHS funding for grants, contracts, and cooperative agreements to state and local law enforcement agencies for terrorism prevention activities.

In 2005, 225 members of the House voted in favor of nearly identical amendment, and dozens of lawmakers are on record as supporting increased DHS funding to bolster protections at our Nation's most high-risk targets. I encourage you to continue this record of support and show the American people that national security is a top priority for this Congress by supporting my amendment.

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

Mr. Chairman, this amendment would halve the budget for the Department's new headquarters campus. That may seem like an easy target, but as a matter of fact, this Department's functions are scattered all over Washington, D.C.

We all agree in wanting an effective, strong Department of Homeland Security. We also know the obstacles that have stood in the way of integrating this Department and making it function smoothly, because it involves integrating 22 separate agencies into a functioning department. So for years now, we have known that this central facility needs to be constructed. The Bush administration has put a very high priority on it. Secretary Chertoff has talked about it repeatedly.

It is just baffling that members of the minority would get up and show so little regard for that kind of priority. They seem to think that this departmental budget is some kind of cash cow that can be dipped into at will.

Without this funding, the Coast Guard won't be able to move into its new headquarters. How about that? The Department wouldn't be able to consolidate its management functions at this modern facility. So it is not a costless amendment, Mr. Chairman, not by any means.

The amendment would increase the buffer zone protection program by $50 million. There might be a case to be made for this if we had underfunded the buffer zone protection program. But the bill already funds the President's budget for this program, equal to the amount provided in fiscal year 2007, which the President deemed sufficient.

The gentleman wants to double that funding, throw money at it, and at the same time remove money from this critically needed facility to pull all these 22 agencies together in a functioning department. It is unwise, it is unneeded, and it simply disregards the kind of careful consideration of this account, the kind of careful balancing of these needs that has gone into the production of this bill.

So, although I appreciate the gentleman's intentions and his support of this program, I have to ask my colleagues to oppose this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FERGUSON).

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

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

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

AMENDMENT OFFERED BY MR. MCHENRY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCHENRY:

Page 2, line 16, after the dollar amount, insert ''(reduced by $34,000,000)''.

Page 48, line 9, after the dollar amount, insert ''(increased by $30,000,000)''.

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

The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY).

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

Mr. Chairman, a major contributor to America's illegal immigration problem is the inability of the U.S. Customs and Immigration Service to process legal immigration applications in a timely manner. USCIS uses horribly antiquated systems for processing applications. So antiquated, in fact, they are still tracking immigration applications using paper and sending them around the country with the U.S. Postal Service.

Every customer of a major bank in this country can track his or her accounts, payments, and transactions on line in real time. But the Federal Government is still using stone age technology, or paper age, rather, when it comes to the basic functioning of granting citizenship.

Take, for instance, a constituent of mine, Mete Adan. Mete Adan actually was born in Turkey. He spent 16 years trying to become a United States citizen the right way, the legal way.

My office has worked with him for a number of years in fact, helping him through this bureaucratic process and cutting through this outdated redtape. But due to the inefficiency of the current system, which processes over 7 million immigration applications per year using paper printouts, Mete's case has been a 2½-year debacle marked by mistakes, errors and blunders.

The amendment I am offering today would prevent this sort of horror from continuing to happen in the future.

A few years ago, USCIS embarked on a major technological overhaul for how it handles the millions of immigration applications it receives every year. The problem, though, is that they are not really putting this into place fast enough. That is why I am proposing that we take $30 million and apply it to carrying out the strategic information transformation through USCIS.

Their plan includes on-line accounts that Federal agencies and applicants themselves can use to track their immigration status as it moves through the initial application process, to background checks, to adjudication and to final approval. It is a very commonsense way for us to track immigration applications.

Beyond that, what we have to understand is USCIS estimates that it handles 7 million immigration applications using paper today. We should use Information Age technology to make sure that we have a fair process for those seeking to come to our country, and thereby reducing illegal immigration in the process.

But the bulk of those 7 million applications, applications for citizenship and non-immigration residency, require up to 11 different forms apiece. That means the USCIS has to handle tens of millions of forms annually just to keep track of the people currently in the system. That is why there are just reported 15,000 pending cases from the 1986 amnesty plan passed by Congress and enacted into law. That is right, 21 years later there are still more than 15,000 unresolved cases.

If we want people to immigrate to the United States legally and come to our country without sneaking across our border or breaking our laws or coming under the cover of darkness, then we must remove the barriers of illegal immigration.

The $30 million I am proposing to devote to the USCIS strategic transformation will significantly aid that process.

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

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

Mr. Chairman, this amendment would put funding not requested by the administration into the business transformation program.

□ 2145

Once again, it would take funds from the efforts to consolidate DHS operations on the St. Elizabeth's campus, which Secretary Chertoff has cited as one of his top priorities for improving the efficiency and the performance of the Department of Homeland Security.

This amendment puzzles me, though, Mr. Chairman, because CIS is updating its programs by utilizing user fees. My understanding is that this is a program funded by user fees and that it really is not in need of appropriated funding.

Knowing the gentleman's support for economies in government—we have heard a lot about that the last couple of days, for many, many hours, in fact—why would we not want to have this program pay for itself, so to speak? And why would we want to dip into appropriated funds to make this kind of increase? I just raise that as a question.

Maybe I should let the gentleman answer it before reaching my final conclusion.

Mr. MCHENRY. I certainly appreciate it. I thank my friend and colleague for yielding. I agree with you. USCIS should be fee-based and continue to be fee-based. However, in discussions with them, I realize we have a severe problem and they're not going to actually put in place this plan until 2013. And so the time frame I don't think is fast enough, and I think that is very deserving for us to appropriate funds so we can actually have a more efficient process.

No matter where you are on the immigration debate, whether you want amnesty or border security, this actually is a pretty sensible thing from both sides.

Mr. PRICE of North Carolina. Reclaiming my time, the gentleman is arguing that this $30 million would make a significant impact on what I think is about a $250 million program. If the Department is so encouraging of this, why do you suppose we didn't get a request from them when the budget was sent up?

Mr. MCHENRY. If the gentleman will yield.

Mr. PRICE of North Carolina. Yes, I will.

Mr. MCHENRY. I spoke last night about a lack of competence within some of our bureaucracies, even those led by Republicans, my fellow Republican brethren. I see a failure in the bureaucracy and an unwillingness for them to step forward and make this happen faster. And you are correct, it is a much larger price tag. However, limited by the offsets available to me within this legislation and the confines of the rules, $30 million would be a good start in this process and hopefully pull that date closer to being enacted.

Mr. PRICE of North Carolina. Reclaiming my time, I understand the pilots for this project are already under way. The answer about the bureaucracy, though, is somewhat troubling. If there are problems that the gentleman has identified, it doesn't seem like a very discriminating response to just simply throw appropriated funds at the agency, I must say.

Now, if the point is to make sure that this program comes online, to make sure that it does what it is supposed to do, that it's monitored carefully, that we exercise our oversight responsibilities and that we encourage the Department to ask for whatever kind of support it needs, then that's another matter. But simply reaching into appropriated funds and throwing them at this program in this way, I must say to the gentleman, it's not something that I can accept.

He might want to withdraw this amendment and let us work with him on trying to give this program appropriate emphasis, but that, of course, is his option.

I yield if he wishes to respond.

Mr. MCHENRY. I would actually like to have a vote on this so that we can begin that process. I do think that they have a good plan in place to go into the information age and finally get out of this sort of 1950s mentality of paperwork being shifted around. I would like to at least take a step forward in the process. But ongoing after that, I would certainly like to work with the chairman, because I know he very much cares about efficiency of the money appropriated.

Mr. PRICE of North Carolina. Reclaiming my time, we'll work on this in any case; but I must say if there are the kinds of problems that the gentleman has identified, simply throwing appropriated funds at them in what seems to me to be a fairly undiscriminating way doesn't seem to be a very promising remedy.

For that reason, Mr. Chairman, I do urge a ''no'' vote on this amendment.

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

Mr. MCHENRY. How much time do I have remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from North Carolina has 1½ minutes remaining.

Mr. MCHENRY. I thank the chairman.

Reclaiming my time, to address the issues raised, I do think USCIS actually has a good plan in place for moving forward to an electronic or digital age level of technology. What concerns me is this bureaucracy that deals with 7 million applications each year, tens of millions of pages of paper each year, doesn't move to technology sooner than 2013, which is their current plan. And so I would like to start that process, give them the money to begin earlier on moving to the information age.

With that, I would be happy to yield to the ranking member of the subcommittee.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding. I'll be brief. I understand my chairman's concerns that he has expressed.

Notwithstanding that, though, this agency is so far behind with this backlog, and trying to catch up with equipment and procedures that are decades old. I think this demands that we do something different. And so I appreciate the gentleman bringing this forward. I think it's a good idea. I'm going to support it.

Mr. MCHENRY. I thank my colleague from Kentucky.

In closing, Mr. Chairman, when we have 15,000 pending cases from the 1986 amnesty plan still stuck in the system, I think we have a flaw in the system. We need to update that and use current technology so that we can fairly bring legal immigration to this country.

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

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

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

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

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

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Chairman, point of order.

The Acting CHAIRMAN. The gentleman is recognized to state his point of order.

Mr. PRICE of Georgia. Do the rules not stipulate that the Chair is to be an impartial arbiter of the proceedings of the House?

The Acting CHAIRMAN. The Chair's count is not subject to appeal.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Georgia is recognized to state his parliamentary inquiry.

Mr. PRICE of Georgia. Do the rules not state that the Chair of the House is to be an impartial arbiter of the proceedings?

The Acting CHAIRMAN. The Chair calls each voice vote as he hears it, and that call is not subject to appeal.

Mr. PRICE of Georgia. I thank the Chair.

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

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $32,000,000.

AMENDMENT NO. 19 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. CORRINE BROWN of Florida:

Page 3, line 14, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 39, line 14, after the dollar amount insert ''(increased by $1,000,000)''.

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

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Thank you, Mr. Chairman.

I rise to offer an amendment that would add $1 million to the FEMA management and administration account so that children's disaster planning materials can be developed and implemented.

Children are often neglected when it comes to preparedness and response. Nothing shows this more than the chaotic evacuations during Hurricane Katrina when hundreds of children were separated from their parents or guardians because a simple system of writing down names of evacuated children was not implemented.

Children's unique needs are often overlooked because of the fallacy that children can be treated like ''little adults.'' Children are among the most vulnerable members of the population and their needs are vastly different.

For example, I had a meeting with the chief of the Division of Community Pediatrics from the University of Florida and he brought to my attention that emergency evacuation equipment is often bought for adults, but children can't be transported in adult equipment and often that type of equipment is missed.

My amendment would make sure children don't go unnoticed when we are thinking about preparedness materials. Children represent nearly 25 percent of the population, and they need their own set of disaster planning materials. Children should be learning the importance of making an emergency plan, what to ask their parents and about the need for an emergency contact and identification card.

In addition, children often take the preparedness message back home to their families. Involving and educating children is the best way to get many of the adults who don't always hear the planning message. Getting children ready for disasters can make the difference between success and failure. I urge my colleagues to support my amendment to increase funding for children's disaster preparedness materials.

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

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

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

Mr. PRICE of North Carolina. I want to say I appreciate the gentlewoman's efforts in this important area. We expect FEMA to develop these materials to ensure that children are adequately prepared when disasters strike.

I will be happy to accept the amendment.

Ms. CORRINE BROWN of Florida. Thank you.

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

The Acting CHAIRMAN. Does anyone seek recognition in opposition to the amendment?

If not, the question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. CORRINE BROWN of Florida:

In title I, in the item relating to ''Office of the Chief Financial Officer'', after the dollar amount, insert ''(reduced by $500,000)''.

In title I, in the item relating to ''Inspector General, operating expenses'', after the dollar amount, insert ''(increased by $500,000)''.

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

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise to offer an amendment to grant additional funding to the Inspector General's office so that they may enforce section 8 and small disadvantaged business contracts at the Department of Homeland Security.

Procurement at the Department of Homeland Security increased 189 percent between 2003 and 2005, which was 11 times faster than the growth of the rest of the government. Yet according to the Federal Procurement Data System, the percentage of contracting for small disadvantaged businesses has decreased. In 2003, small disadvantaged businesses accounted for 16 percent of contracts. In 2004, the number decreased to 9.5 percent, and in 2005 the number decreased to 7.6 percent. If spending is increasing at the Department of Homeland Security, then why aren't minority and small business contracts increasing, too?

I've heard from several businesses about their frustration with being awarded Federal contracts as a member of the Congressional Black Caucus and Women's Caucus, as well as talking with members from the Congressional Hispanic Caucus. Going around my district and speaking with many small businesses in general, they also feel like the government has shut them out. Of course, with the abundance of noncompetitive contracts in the Bush administration, it seems like the first place the Department does not look are minority businesses or small business. No-bid contracts go to large companies that are not minority-owned. Waste, fraud and abuse have been rampant at the Department of Homeland Security.

It has long been the policy of the Federal Government to assist minority and other ''socially and economically disadvantaged'' small businesses to become fully competitive and viable business concerns. This policy must be taken seriously by all agencies, especially the Department of Homeland Security.

This amendment is important to members of the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Women's Caucus. I urge my colleagues to support my amendment and the longstanding policy for assisting minority and small, disadvantaged businesses.

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

□ 2200

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

I simply want to say on this side we accept this amendment and commend the Congresswoman for her good work.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I am very grateful.

I yield back the balance of my time.

The Acting CHAIRMAN. Does any Member claim the time in opposition?

If not, the question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

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

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $258,621,000; of which $79,921,000 shall be available for salaries and expenses; and of which $178,700,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, to remain available until expended: *Provided,* That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further,* That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects with an estimated cost of $2,500,000 or more: *Provided further,* That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: *Provided further,* That notwithstanding any other provision of law, none of the funds made available in this or any other Act may be obligated to provide for the oversight or management of the Integrated Wireless Network program by any employee of the Office of the Chief Information Officer.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $291,619,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: *Provided,* That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

INSPECTOR GENERAL

OPERATING EXPENSES

For necessary expenses of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $99,111,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,300 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,629,733,000, of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $207,740,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided,* That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further,* That of the amount made available under this heading, $202,816,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry, of which $100,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results of pilot programs used to develop and implement the plan required by section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), which includes the following information: (1) infrastructure and staffing required, with associated costs, by port of entry; (2) updated milestones for plan implementation; (3) a detailed explanation of how requirements of such section have been satisfied; (4) confirmation that a vicinity-read radio frequency identification card has been adequately tested to ensure operational success; and (5) a description of steps taken to ensure the integrity of privacy safeguards.

AMENDMENT NO. 128 OFFERED BY MR. PEARCE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 128 offered by Mr. PEARCE:

Page 6, line 5, after the first dollar amount, insert ''(increased by $125,000,000)''.

Page 22, line 9, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 13, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 14, after the dollar amount, insert ''(reduced by $125,000,000)''.

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

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I would like to amend this bill in order to

make our borders more secure. I am one of the Members who lives on a border and on the southern border. In New Mexico we experience many of the problems of having a porous border. We find drugs, human trafficking, and other problems at the border because of our failure to secure the border, and many of our residents are affected daily.

With an overwhelming amount of funding and preexisting TSA full-time employees, I think it is proper for us to divert funding from TSA to border security. The TSA, and I have heard my constituents call it ''thousands standing around,'' seems to have plenty of people to do its work, and yet we do not have enough people to put on the border. We are simply requesting a move of less than 3 percent of the funds. Less than 3 percent of an agency, and every single American who travels on airlines understands the number of people they see standing around when they walk through the checkpoints.

We are asking that less than 3 percent of that money be sent over to where we can use it along the borders. Our calculation is that we can hire over 4,000 new people to help us secure the southern border of the United States.

CBO recognizes the value of this and scores this as a $43 million savings. We would like to draw that to the attention of the body.

Every year, between 500,000 and 1 million illegal immigrants come into the United States. We need more people to help on the southern border. Many problems are coming into this country and many problems are affecting each State, but especially the States that lie on the border.

Mr. Chairman, I respectfully ask Members to support this amendment.

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

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

The gentleman's amendment is well-intentioned and understandable, particularly given the part of the country that he represents. But I would like to explain to colleagues briefly why I believe this amendment is ill-advised.

It would cut $125 million from the Transportation Security Administration in order to fund activities by Customs and Border Protection. I do appreciate the gentleman's wish to further strengthen the frontline agency for our borders and our ports of entry. The fact is, though, I believe we have addressed his concerns very adequately in this bill.

The bill fully funds the 3,000 additional Border Patrol agents requested by the administration. Any more, I believe, would exceed CBP capacity to recruit and to absorb.

The bill also provides for 250 additional CBP officers above the request to strengthen port and cargo inspection security. So it seems that putting more money into the agency at this time would be, at best, symbolic and, at worst, wasteful.

On the other hand, let's look at the offset.

A reduction of this magnitude from TSA's aviation security program could, for instance, slow to a crawl plans to move explosive detection machines out of crowded airport lobbies and in line with the airport's baggage conveyer systems. We are aware of at least 60 airports that need these necessary improvements. Without them, airport lobbies will remain congested for the foreseeable future and the use of technology underdeveloped.

After years of stalling, this cut could delay improvements that are finally underway at TSA with airport check points, such as installing next-generation systems to better detect explosives and weapons that passengers might carry on their bodies or in their checked baggage.

A reduction of this size in TSA could thwart efforts to double the amount of air cargo screened for explosives and other dangerous items before it is placed on passenger aircraft.

Explosive detection equipment is the key technology we use to screen for these dangerous objects.

Finally, this reduction could require TSA to lay off something like 3,000 screeners. For the past 2 years, we have seen record air travel, resulting in longer lines at many airports and screening check points. A reduction in aviation screeners could exacerbate this problem. So we reluctantly, Mr. Chairman, oppose this amendment for these reasons.

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

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

Mr. ROGERS of Kentucky. I join the chairman in opposing the amendment, reluctantly, because the gentleman from New Mexico makes a compelling argument for better border security. Coming from his State, I can fully understand that.

But as the chairman has said, we have increased in this bill moneys for an additional 3,000 Border Patrol agents, and the gentleman was arguing strongly for that and I appreciate that. But we have accommodated his request to that extent, as well as 500 additional Customs and Border Patrol officers, and we increase the salaries and expenses by over $50 million. So I think there is more help on the way that the gentleman has been asking for.

But the moneys that the gentleman would take from TSA is not for screeners. It wouldn't come from screeners, it would come from the equipment that we are trying to furnish airports with, explosive detection machines, X-ray machines to locate explosives, so that we can clear the lobbies of many airports that have the trace detection machines in the lobbies so that passengers in small- and medium-sized airports really can't get through to fly. And that has been a pet project of this Member for some time.

So that is where the money would come from, $125 million, and that really is my objection, because if we take that money from these explosive detection machines, which are already underfunded, and this bill increases the number quite a bit but is still underfunded, it would severely cripple the effort to bring more technology to the airports.

I join the chairman in opposing the amendment.

Mr. PEARCE. Mr. Chairman, would the gentleman from North Carolina yield?

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

Mr. PEARCE. Mr. Chairman, we spent a lot of money on the puffer machines that are at the airports. We have spent hundreds of millions of dollars on those, and I would ask the gentleman about the quality of product that we are getting from those puffer machines.

Mr. PRICE of North Carolina. What is the quality?

Mr. PEARCE. Where you walk in and they puff.

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

Mr. PEARCE. I yield myself the balance of my time.

I appreciate the chairman and the ranking member bringing their observation. I would point out that $125 million is what we are requesting to be taken from TSA. TSA has a budget of over $4 billion, and $125 million represents less than 3 percent.

I would also point out that over 450 miles exist of border, and we have 13,000 Border Patrol agents, and yet we have 43,000 employees in TSA to do screening. I am telling the American people that we have underfunded consistently for the last decades, the last 30, 40, 50 years, the efforts that are needed on the southern border, and today is not the day to find 3 percent to be an onerous fee.

I sat on the Transportation Committee and watched some of the elements two terms ago. Last year I was on Homeland Security. I saw the waste, fraud and abuse, and I will tell the American people that tonight we must make the stand that our border must be secured.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word to address the gentleman's very legitimate question.

The gentleman asked about the puffer machines which, indeed, do have some utility but have some very obvious shortcomings, as he observed. That is not what we are talking about funding in this bill. We are talking about the explosive detection machines that we can move in line with the baggage conveyer systems in crowded airports; and that, unfortunately, is the account

out of which the gentleman's cuts would come.

Mr. PEARCE. Would the gentleman yield?

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

Mr. PEARCE. My simple point was that the same agency that approved the puffer machines is going to approve the explosion devices; and my feeling is that the agency has been ill-managed since the beginning.

We have a desperate need on the southern border today, right now. The TSA, in finding equipment and funding equipment, both now and in the past, has been shown to be very, very ineffective. I would just say, we have an emergency crisis on the southern border and all along the northern borders. We have 13,000 Border Patrol agents to work that entire range of 5,400 miles and we have 43,000 TSA officers and inspectors.

Mr. PRICE of North Carolina. Reclaiming my time, the case has been stated, and I repeat my request for a ''no'' vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

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

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

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

AMENDMENT NO. 104 OFFERED BY MR. KING OF IOWA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 104 offered by Mr. KING of Iowa:

Page 6, line 5, after the first dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

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

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this amendment that I bring and the simple function of it goes into the large $6 billion appropriations piece, takes out $1 million and puts back in $1 million, and it is for the purposes of directing customs and border protection and our border protection people to go in and take out the lookout posts that have been established, I will call them my military positions, from the Mexican border all the way up to Phoenix, through Tucson all the way up to Phoenix.

□ 2215

In the time that I've spent on the southern border, the Border Patrol people have pointed out to me, the shadow wolves have pointed out to me, ICE people have pointed out to me that the lookouts that have been established there will be on top of those small mountains that overlook the transportation routes. And so what they do with their sophisticated, the drug smugglers, the drug cartel, with their sophisticated surveillance equipment, good optical equipment, good radio equipment, with scramblers and descramblers ahead of us, they position one or two people on top of those lookout mountains, and then they can tell their own people exactly where the Border Patrol are. They can run a decoy through those routes, and as soon as the Border Patrol converges on that decoy, they will sacrifice 200 pounds of marijuana. I've been there to help interdict that. Meanwhile, they run the truckload through when all those focused resources are on that lookout. That's one of the tactics.

They deploy a number of tactics, but they are occupying and controlling what we would describe as military positions way inside the United States, all the way to Tucson and all the way to Phoenix. I've been there, I've looked at them, I've seen them, and Congressman FEENEY is actually on his way to add to this debate. He's gone to the top of these mountains. We have pictures.

I helped produce a map. This is a map of at least 75 locations. It may well go over 100 locations. I sat there and watched our border protection people put the Xs on the map. I stood there and looked at the mountains to them. I presented this to the Vice President. I presented this to the Secretary of Homeland Security, and what I get is a letter that is more or less designed to pacify me.

And I believe that, if you're going to play cat and mouse with drug smugglers, you ought to take those tools away from them. We should be taking these drug smugglers off of these tactical positions the instant they arrive there and not let them sit up there and control military positions inside the United States, controlling the transportation routes for their drug smuggling, all the way to Phoenix.

This is a fact. It's a well-established fact, and this Congress needs to send a message that the Department of Homeland Security needs to take them out the minute they're occupied.

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

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

Mr. Chairman, I agree with the gentleman that traffickers are using lookouts to spy on law enforcement operations and to assess where our agents are, just as we're looking at them. But I don't see any rationale for dedicating funding for an initiative of the sort that he describes.

The bill provides funding for an additional 3,000 Border Patrol agents and $1 billion to continue and expand the border security program. The identification and the elimination of the kind of lookout posts that he's describing on U.S. territory is a matter for CBP to deal with if it involves crossing the border, and for other law enforcement agencies to deal with if it's strictly a domestic violation.

Now, the funding in this bill has been increased, increased a great deal, to provide the Border Patrol all these new agents, and to better meet the cargo and port security vulnerabilities addressed, for example, in the SAFE Port Act. So this is not a costless funding shift. It's a shift in funding that would reduce resources for these departmental priorities, priorities in which the committee fully concurs and, in fact, in some cases has increased.

So although the gentleman's intention is admirable, I do believe it's unnecessary to designate funds for these purposes. I think shifting the funds around in this way could do some damage as we attempt to develop the Department, and so I reluctantly ask Members to oppose the amendment.

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

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

The Acting CHAIRMAN. The gentleman from Iowa has 2½ minutes.

Mr. KING of Iowa. Mr. Chairman, I seek to close in this period of time, and I appreciate the chairman's remarks on this, but he's asking us to accept the argument that out of $6.6 billion Homeland Security is not going to spend $1 million to take out the lookout outpost on top of the mountains that the drug cartels are manning.

And they man these things full-time, often two at a time, often with assault weapons on top. They build a little fortress up there with setting up stones like sandbags, and it's a military position. They sit up there with optical equipment, infrared equipment at night. They can see further than we can see, and they can communicate as well as we can communicate, many times better.

So it wouldn't be rational to say we're playing a game of cat and mouse, but we're going to let this cat do whatever he wants to do and we're going to play the mouse.

So Mr. FEENEY and I authored a letter that went to Secretary of Homeland Security Chertoff on August 30 of last year and asked him to take out these lookout posts and take those drug smugglers off the top of those mountains. That's the short version of it.

We got the letter back, the answer back from the Deputy Assistant Secretary of Homeland Security, not the Secretary, and their explanation from the letter was, ''Recently, agents in the San Diego sector, using advanced technology, discovered that scouts for

a drug trafficking organization were watching Border Patrol movements and were trying to coordinate the crossing of narcotics into the United States. Using this intelligence, Border Patrol agents seized 400 pounds of marijuana and the vehicle used to transport the narcotics.''

That's their huge accomplishment for $65 billion worth of drugs pouring across our southern border and drug smugglers with assault weapons taking up tactical military positions to control our transportation routes. And so they explain to us that they have interdicted 400 pounds of marijuana, which isn't even an indictable offense in that region of the world. It was 250 pounds, but they had too many criminals so they had to raise to it to 500 pounds. These guys get a pass, and that's all the Department of Homeland Security is doing.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FEENEY) who has just arrived, and I'm ready for his vigor and hope a chance to close.

Mr. FEENEY. Mr. Chairman, I really appreciate the gentleman's amendment.

I want to share with you I'm a skeptic even when my friends tell me things. When Congressman KING told me about the problem on the border, I thought he was exaggerating. I went down last summer, sat 75 miles inside the American border, saw a machine gun that's run by coyotes.

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

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

The Acting CHAIRMAN. I yield a minute to the gentleman.

Mr. FEENEY. I'm very grateful. This is very important.

As Congressman KING just told you, we have a problem on our border most Congressmen and few Americans know about.

I'm a skeptical guy, even when a good patriot and friend of mine like STEVE KING tells me something. So I went down personally and inspected a machine gun nest 75 miles inside the Arizona border run by coyotes. It was the 13th in a list of machine gun nests where they were armed with surveillance techniques, where they were armed with radios, and they used these facilities inside our border to facilitate drug trafficking and illegal immigration.

I do not believe that our government is enforcing our own security. There's nothing more important we can do than to support symbolically the King amendment to send a message we want to take these machine gun nests out.

It was the Bureau of Land Management that took me up there. Why? Because they are cleaning up the mess that these coyotes leave behind them as they are smuggling poison drugs and illegals across our border.

I saw it with my own eyes, or I would not have believed it. Please support the King amendment, if nothing else than to send a message we want our borders secure and our laws enforced.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield to the gentleman from Iowa 30 seconds to close.

Mr. KING of Iowa. I thank the gentleman from Kentucky for his gracious step that's he taken here and appreciate making sure that the breathless Mr. FEENEY had an opportunity to say a few words because I know he ran up the stairs.

This is an important symbolic vote, and we've worked on this for years. I didn't realize how difficult it was to convince the Department of Homeland Security what was going on here, but this letter in response that they have written where they bragged about interdicting one person with 400 pounds of marijuana is just somehow that's addressing all of these tactical positions that look over all of our transportation routes inside the United States.

Congress needs to send a message we can't tolerate that inside this country. We wouldn't if we were at war. We're in a drug war.

I thank the ranking member.

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

The amendment was agreed to.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word for the purposes of a colloquy with the gentlewoman from New York (Ms. CLARKE), and I'm happy to yield to her at this time.

Ms. CLARKE. Mr. Chairman, I want to thank the gentleman from North Carolina (Mr. PRICE) for the time and for the opportunity to discuss an important issue to me.

With every passing day, I hear more talk about how to prevent illegal immigration. We're discussing it at this very moment. Many proposals to deal with undocumented immigrants involve punishing them through deportation or what has been termed as ''touchback,'' which requires immigrants to expel themselves and pay a heavy, extremely punitive fine.

However, we could best reduce the number of undocumented immigrants by improving and reforming our own government bureaucracy. While many Members of this body believe that every undocumented immigrant walked across the southern border, the fact is that 40 percent of them enter our country legally, and many of them have only broken the law after falling through the cracks of a vast bureaucracy.

Back home in Brooklyn, New York, an area that boasts immigrants from every corner of the world, I have personally talked to countless people who were frustrated because they had no intention of breaking the law, but simply became tied up in an overly complicated and backlogged system as their applications were delayed until their visas expired and suddenly they were here illegally.

I'm further concerned with the proposed fee increases at CIS to process applications. All of the people who emigrate here from other countries have come looking for a better life. Many of these people work hard at jobs that pay so little that most Americans do not want to take them.

We cannot expect these individuals to pay astronomical fees that they cannot afford, as this effectively creates another barrier to citizenship for many immigrants who only want to make an honest living, and leaves those who cannot pay in undocumented limbo. We in Congress must ensure that CIS has the funding it requires to be efficient and effective without resorting to taking money from those who cannot afford the extremely punitive costs.

As the debate on immigration reform progresses, it is vital that we address these issues and ensure that CIS will be able to help everyone who desires to play by, and be in compliance with, the rules. It is simply not right that many people have been deemed criminals simply because our government is ill-equipped to process these applications or because we have made it totally unaffordable.

I thank the gentleman from North Carolina (Mr. PRICE) for his efforts at improving the legal immigration process, and I look forward to working together to bring about improvements and reforms to an immigration system that is reflective of the 21st century United States.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentlewoman from New York for her perspective on this issue.

While the Appropriations Committee has no direct control over the fees that CIS charges or the revenues that it collects, the committee report encourages the Department to continue regular reviews of its cost estimates and to apply any savings generated by business transformation to reducing fees in the future.

The committee also requires CIS to report on the performance measures it will implement to ensure that the increased fees charged to its customers result in commensurate improvements in the service provided by the agency.

So I encourage the gentlewoman to work closely with the Judiciary Committee to address these concerns, since the authorities to collect immigration fees are ultimately within that body's jurisdiction.

AMENDMENT OFFERED BY MR. SHAYS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

Page 7, line 16, after ''which'' insert the following: ''$100,000 is to promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, as

authorized by Sec. 879 of Public Law 107–296 and:

Mr. SHAYS. Mr. Chairman, I just want to make sure the Clerk has the proper amendment. Maybe she should read it.

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

There was no objection.

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

The Chair recognizes the gentleman from Connecticut.

□ 2230

Mr. SHAYS. Mr. Chairman, I first want to thank Mr. PRICE for the work he has done on this legislation, and Mr. ROGERS. I know we are going to be spending a lot more money, but this is Homeland Security, and I intend to support this legislation.

The amendment would appropriate $100,000 to allow the Department of Homeland Security, DHS, and the International Criminal Police Organization, Interpol, to share counterterrorism and stolen and lost travel document information. The DHS Secretary has already publicly stated he hopes to integrate the Interpol information at points of entry.

This amendment simply provides funding for that stated activity. The funding would provide the necessary startup costs for the minimum IT equipment to set up the data sharing, as well as additional funds to facilitate travel and professional exchanges.

Interpol currently maintains a database of 14.4 million lost and stolen internationally recognized travel documents from 123 countries. This includes 67 million passports, of which over a third are from countries that participate in the visa waiver program. Interpol currently has a list of over 48,000 blank passports that have been stolen around the world. Blank passports are better than blank checks for terrorists, as the 9/11 Commission rightly concluded. For terrorists, travel documents are as important as weapons.

I will just conclude by saying in a test of 1.9 million passport records collected over 15 days by U.S. border officials, DHS identified 273 lost or stolen documents used in Interpol data, 64 of which could not be resolved.

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

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

Mr. Chairman, I would simply say that the gentleman has raised an important and legitimate issue.

We gladly accept his amendment.

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

The amendment was agreed to.

AMENDMENT NO. 114 OFFERED BY MR. KUHL OF NEW YORK

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 114 offered by Mr. KUHL of New York:

Page 8, line 5, insert before the period the following: "': *Provided further*, That the Comptroller General of the United States and the Secretary of Homeland Security conduct a study that examines the potentially adverse economic impact of the requirement for land and sea travelers of the Western Hemisphere Travel Implementation Act (WHTI) upon businesses in neighboring regions.''.

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

The Acting CHAIRMAN. A point of order is reserved.

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

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Mr. Chairman, constituents of mine have wisely questioned the U.S. Department of Homeland Security's plan to require United States citizens to present passports to travel between Canada and the United States.

In addition to standard application fees, the plan will require American citizens to pay for passport photos and travel to a passport application center just to take their families to the Toronto Blue Jays game or to Niagara Falls.

There is no question in my mind that we must protect our borders, I think all of our citizens agree with that, from illegal immigrants and potential terrorists. But we should not turn away legitimate business and visitors, as the U.S. and Canadian economies have become interdependent.

Therefore, my amendment requires that the Governmental Accounting Office conduct a study of the potentially adverse economic impact that this new requirement for land and sea travelers may have upon American business. I believe that we have a long, long way to go before our borders are finally and fully secured. But I believe that this amendment gets us moving in the right direction, without slamming the door on our neighbors to the north.

Mr. Chairman, I understand that there is potentially a legal problem with this amendment. Having actually put it before the Congress for its consideration, certainly the chairman, I believe it's appropriate to withdraw the amendment at this time, and I would do so.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 115 OFFERED BY MR. KUHL OF NEW YORK

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 115 offered by Mr. KUHL of New York:

Page 8, line 5, insert before the period the following: "': *Provided further*, That the Comptroller General of the United States and the Secretary of Homeland Security conduct a study that examines security at the Northern Border, evaluates the ability of United States Customs and Border Protection to identify and stop all potential threats from crossing the Northern Border, lists all breaches of security and the reason for such breaches since 2005, and contains recommendations to concerning how and what must be done to improve United States Customs and Border Protection and security at the Northern border.''.

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

The Acting CHAIRMAN. A point of order is reserved.

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

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Mr. Chairman, earlier this month a security breach occurred along our northern border when an individual on the no-fly list carrying a dangerous strain of tuberculosis successfully crossed the United States border.

This breach highlights the security gaps at our northern border that must be immediately addressed. If the Department of Homeland Security cannot adequately meet our Nation's growing security needs, then we in Congress must step in to provide our citizens with the oversight and action that they deserve, so that both our northern and our southern borders will be safe from future threats.

I am offering this amendment to take us a step in the right direction of securing our northern border. Most of the action that you are hearing today in this Chamber is dealing with the southern border. This amendment requires the Government Accountability Office to conduct a study examining the security of the northern border.

Specifically, it requires that the GAO evaluate the Customs and Border Patrol's ability to identify and eliminate all potential threats to the northern border under current funding levels.

In closing, this is a commonsense amendment that will take us a step in the right direction towards securing our northern border, and I encourage my colleagues to support this amendment.

I also understand, Mr. Chairman, that my colleague, the ranking minority member, has a problem with the correctness of this amendment.

So not dealing in wanting to further challenge this, I would withdraw my amendment and my statement addressing the needs that I feel are appropriate at this time.

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

There was no objection.

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

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: *Provided,* That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security that includes:

(1) a detailed accounting of the program's progress up to the date of the report in meeting prior commitments made to the Committees relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all unobligated funds for the program from prior appropriations and all fiscal year 2008 funds are to be spent to meet future program commitments, with sufficient detail to link the planned expenditure of funds to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program, with the status of the Department's efforts to address the recommendations, including milestones for fully addressing them;

(4) a written certification by the Chief Financial Officer of the Department of Homeland Security that the program has been reviewed and approved in accordance with the Department's investment management process, and that this process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7, as well as copies of all investment decision memoranda and supporting analyses generated by and used in the Department's process;

(5) a written certification by the Chief Information Officer of the Department of Homeland Security that an independent validation and verification agent has and will continue to actively review the program, as well as summaries of reviews conducted by the agent during the preceding 12 months;

(6) a written certification by the Chief Information Officer of the Department of Homeland Security that: the system architecture is sufficiently aligned with the department's information systems enterprise architecture to minimize future rework, including: a description of all aspects of the architectures that were and were not assessed in making the alignment determination; the date of the alignment determination; any known areas of misalignment; any associated risks; and corrective actions to address any such areas;

(7) a written certification by the Chief Information Officer of the Department of Homeland Security that the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to United States Customs and Border Protection and Department of Homeland Security investment decision makers, as well as a listing of the program's high risks and the status of efforts to address them;

(8) a written certification by the Chief Procurement Officer of the Department of Homeland Security that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation; and

(9) a written certification by the Chief Human Capital Officer of the Department of Homeland Security that human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,000,000,000, to remain available until expended: *Provided,* That of the amount provided under this heading, $700,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 60 days after the date of enactment of this Act, for a program to establish a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that—

(1) defines activities, milestones, and costs for implementing the program, including identification of the maximum investment related to the Secure Border Initiative network (SBInet) or successor contract, estimation of lifecycle costs, and description of the methodology used to obtain these cost figures;

(2) demonstrates how activities will further the objectives of the Secure Border Initiative (SBI), as defined in the SBI multiyear strategic plan, and how the plan allocates funding to the highest priority border security needs;

(3) identifies funding and staffing (including full-time equivalents, contractors, and detailees) requirements by activity;

(4) describes how the plan addresses security needs at the Northern Border and the ports of entry, including infrastructure, technology, design and operations requirements;

(5) reports on costs incurred, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(6) includes an analysis by the Secretary, for each segment of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control; such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision-making process;

(7) includes a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the SBI Program Office has adequate staff and resources to effectively manage the SBI program, SBInet contract, and any related contracts, including the exercise of technical oversight, and a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the projects funded under this heading;

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

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

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

(11) is reviewed by the Government Accountability Office:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress to date, and specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations (1) at least 30 days prior to the award of any task order requiring the obligation in excess of $100,000,000; and (2) prior to the award of a task order that would cause cumulative obligations to exceed 50 percent of the total amount appropriated: *Provided further,* That of the funds provided under this heading, not more than $2,000,000 shall be used to reimburse the Defense Acquisition University for the costs of conducting a review of the SBInet contract and determining how and whether the Department is employing the best procurement practices: *Provided further,* That none of the funds under this heading may be obligated for fencing or tactical infrastructure on lands administered by the National Park Service, the United States Fish and Wildlife Service, the Forest Service, the Bureau of Indian Affairs, or the Bureau of Land Management unless the Secretary of Homeland Security coordinates such decision with that agency, and makes every effort to minimize impacts on wildlife and natural resources: *Provided further,* That none of the funds under this heading may be obligated for a fencing or tactical infrastructure project or activity unless the Secretary formally consults with affected State and local communities to solicit their advice and support of such project or activity: *Provided further,* That no funds under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AMENDMENT OFFERED BY MR. CARTER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARTER:

Page 11, line 25, strike "*: Provided,*" and all that follows through page 16, line 2, and insert a period.

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

The Chair recognizes the gentleman from Texas.

Mr. CARTER. I thank the chairman for recognizing me. I would also like to

thank the gentleman from Georgia (Mr. GINGREY) my colleague, who has joined me as a cosponsor of this amendment. I am very pleased to thank the chairman of this subcommittee, who has done a wonderful job on this bill, and I am very honored to serve with him. I would also like to thank the ranking member, Mr. ROGERS, for all the hard work has done on this bill.

We all agree, our southern borders are in crisis. We don't want to create any problems to get our fencing that's authorized and appropriated for. We don't want to have any interference. This amendment removes bureaucratic and environmental obstacles that restrict funding for the construction of the fence on our southern border.

This amendment strikes a number of restrictions on the border funding of fencing and tactical infrastructure, including various reporting requirements attached to funding restrictions, requirements that DHS must coordinate with Interior agencies to minimize the impact on wildlife and natural resources, requires DHS must formally consult with State and local communities and solicit their advice and support of the projects, ultimately giving them some sort of veto, and restricts the funding for the use of the Secretary's environmental waiver until the waiver has been published in the Federal Register for a period of 15 days.

Each one of these things has the potential to slow down or interfere with or stop the construction of the fence. Bureaucratic hurdles are not what we are looking for on the southern border. It's protection for our southern border.

To ask for advice and support gives local communities potential for a veto. Our border security shouldn't be held hostage to some group like that. We do consult with the landowners, over 400 have been consulted, one Governor has been consulted, 60 Governors' assistants have been consulted. A multitude of city and council officials have been consulted as border and fencing plans are developed.

We are doing the job. We don't want funding withheld. That's what this does.

Mr. Chairman, I yield to my colleague from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank Mr. CARTER for his leadership on this issue.

Mr. Chairman, the purpose of this amendment is to prevent further delay in the construction of border fencing as prescribed in the Secure Fence Act.

Last Congress, Republicans responded to public opinion and national need and authorized the creation of more than 700 miles of fence along the southern border. Instead of providing resources for the border fencing and surveillance, however, the majority has crafted a lengthy list of reporting requirements to delay the building of the fence.

One requirement would require the Secretary of Homeland Security to wait before taking any border security action that warrants the use of environmental waiver authority. This invites frivolous litigation and inhibits the Department's ability from addressing vulnerabilities.

Another requirement would require the Secretary of Homeland Security to solicit local advice and support before constructing infrastructure. This gives communities veto authority over Federal policy to control the border, including some sanctuary cities. The American people are watching Congress and what it is doing on immigration reform.

The American people are looking to trust the Federal Government again.

The American people are looking to trust the Federal Government again to live up to its promises and enforce the rule of law. The provisions of this act undermine the people's trust and signals that it is business as usual in Washington, that it's not serious about dealing with our immigration crisis. Many believe that the clear goal of this bill is not to fund border security. This amendment will go a long way toward moving us in the right direction.

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

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

Mr. Chairman, I would suggest, as the last speaker said, that if many people seem to be suggesting that this bill will be doing one thing or the other, they would actually find it useful to read the bill. In this case, the relevant language is on page 15 of the bill, and the requirement says, quite plainly, that in developing these infrastructure projects, the Secretary is required to ''consult with affected State and local communities to solicit their advice and support of such project or activity.'' It's pretty clear that isn't a veto. It's pretty clear, though, that it is a requirement for serious consultation.

I must say to the sponsor of the amendment that the mayors of the border cities of Texas have led the parade in coming to members of the committee, from both sides of the aisle I am sure, to say that this kind of attentiveness to local communities and their needs and their views is essential as this effort moves forward. There is nobody who was more convincing on that than the mayors from El Paso to Brownsville to Laredo. We heard from them, and we heard from them very decisively.

The gentleman's amendment would eliminate all requirements for an expenditure plan for this $1 billion appropriation, as well as all requirements to consult with affected Federal agencies, and State and local communities. It would eliminate the requirement to provide a 15-day advance notice before waiving environmental or other laws that might otherwise interfere with construction or infrastructure development.

□ 2245

Now, I understand some of the gentleman's concerns. But I feel obligated to point out that the effect of this amendment would be to give this Department carte blanche to spend these funds as it will, with no requirements to explain or justify or consult or coordinate.

Now, for 3 days on this floor we've heard railing against the bureaucracy and the insensitivity of the bureaucracy, and harrowing descriptions of malfeasance and ineptitude in the bureaucracy. I hope the irony doesn't escape our colleagues that this amendment would place full discretion in the hands of those very same bureaucrats to proceed as they will.

So I object to this amendment because it would simply be an abdication of responsibility to exercise meaningful oversight. The goal that all in this Chamber should embrace is realistic but meaningful progress in getting effective control over our borders.

This amendment would guarantee nothing, I'm afraid, but negative Inspector General and GA reports for years to come. Besides, the Department hasn't asked for these requirements to be removed. In fact, they are quick to assure us that they intend to undertake a consultation, and this bill simply spells out in more detail what we expect that consultation to include.

I yield such time as he may consume to my colleague from California (Mr. FARR) who traveled with us to the southwest border and has some insight on this.

Mr. FARR. Mr. Chairman, I'm just sorry that my colleague and good friend wasn't on the border with us, because he would have heard from the mayors.

And I'm also kind of shocked at the statements here that this is what the American people want. Who do you think these people along the border are? They're on our side of the border. They're our communities, they're our city councils, they're our mayors. And if this were any other Federal entity coming into your hometown and saying that you don't have to tell anybody about what you're doing or consult with them or get any cooperation, you're going to have border failure.

This is the community that supports the homes of the Border Patrol, supports the children of the families that protect the border, and you're saying that they, with removing this language, the chairman was very astute in pointing out that the administration has not asked for this.

This language does not allow any veto. It allows for a consultation process. And that's absolutely essential, because if you don't have that, you're going to have those mayors coming back here and city council persons and saying, What the hell are you doing building this without talking to us? We're going to try to stop it. And they'll try to file lawsuits and things like that.

So if this border is going to work, it's a living border. My frustration is that we're all paying attention only to one

side. And I can assure you that meanness and arrogance and just trying to plow your way through it is not the way to build a secure border. It's the way to build people that hate the Federal Government.

Mr. CARTER. To my colleagues whom I highly respect, let me say this: I'm concerned about the part about withholding funds as we consult.

I agree that we should consult. I do not agree that they have to support it. And the question I would raise is, what happens if they don't? Do we then not build the fence that the Border Patrol in Laredo, Texas, told me they had to have to survive? So that's the secret word that I'm concerned about.

Consult, I'm all for. But if they vote 4–3 on the city council not to do it, then what happens to the funds? What happens to the fence?

On the issue of wildlife in Texas, we have wildlife-proof fences in south Texas on literally every ranch there because, quite frankly, the deer on those ranches are very expensive and they protect them. And already we are providing water gaps for those whose cattle graze in the Rio Grande.

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

Mr. Chairman, if we can't control who crosses our Nation's border, all other possible immigration initiatives will fail.

Now, the gentleman's amendment prevents the undue delay of urgently needed border security. It still maintains the flexibility to use any and all tools to protect the border and secure the border, like fencing, vehicle barriers, and technology; but it takes away all of the strings and conditions upon which the money was appropriated to build the fence.

How many times does Congress have to say to the Department, build the fence?

The money's here. Take these strings and conditions away from this project. That's what it was designed and financed for and authorized by the Congress.

Now, DHS should absolutely be consulting with the mayors and the local officials; and they are, very vigorously. They spend hours and hours meeting and talking with the local communities. They're doing that with vigor.

This amendment also removes the possibilities of frivolous litigation. This bill invites frivolous litigation. This amendment would strike that frivolous language.

I'm supportive of the funding levels and planning requirements in this bill for border security and immigration enforcement. I've maintained that onerous restrictions for fencing and tactical infrastructure are contrary to our homeland security needs.

Now, this amendment does strike planning requirements for SBInet. But the program has demonstrated sound management over the last year. It's met and exceeded every legislative requirement from the 2007 bill. In fact, the majority conducted a substantial oversight of SBI through hearings and a Codel to the southwest border and saw fit to release all of the $950 million withheld from obligation until a fair expenditure plan was submitted.

I have read this expenditure plan and can report to you that this program is on track to meet some very noteworthy goals by the end of 2008, including the installation of 370 miles of fencing, another 200 miles of vehicle barriers, and over 640 miles of technology along the southwest border.

Bottom line, Mr. Chairman, it's time to stop talking and start digging and building that fence. The money is there. Take away these conditions that have been placed on building the fence that Congress ordered and make it happen.

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

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

Mr. CARTER. Chairman PRICE, in Texas, it's my understanding that over 400 landowners have already been consulted. The Governor of the State has been consulted. Sixty of the Governors, Homeland Security advisers in our State and other States have been consulted. Thirty-five city mayors and county judges have been consulted. Twenty-eight local sheriffs have been consulted, and seven town hall-type meetings have been held to discuss the border.

We are a part of the country where private property borders Mexico from Brownsville all the way to El Paso. And so we are very, very aware of private property rights and the rights of our cities, and we are consulting with them.

My concern is the withholding, the stall or withholding of funds when the process is already in place. We've already been working with our landowners on wildlife. And the environmental concerns, should we hold back our homeland security because of a fear that trial lawyers are going to file frivolous lawsuits to try to stall this fence on environmental concerns?

I think we need to take a hard look at what our goal is. And, quite frankly, our goal is to secure the people of the United States along the border and protect our borders from incursions.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. My dear colleague from California, we've worked on environmental issues. I was a border mayor. I saw groups that were trying to use environmental regulations to stop the construction of the border fence in San Diego when the fence ended up being the best benefit to the protection of the environment, and the use of environmental issues as an excuse to stop the fence.

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

Mr. Chairman, I hadn't intended to speak on this matter until I heard my friend from Kentucky refer to certain words in the language that would be stricken by this amendment as being ''frivolous.'' Let me tell you what he apparently considers frivolous to be.

The language reads as follows: ''Provided further that none of the funds under this heading may be obligated for fencing or tactical infrastructure project or activity unless the Secretary formally consults with affected State and local communities to solicit their advice and support of such project or activity.''

Isn't that a terrible thing to do? Can you imagine the Congress of the United States, in all of its imperial wisdom, having the temerity to allow someone else besides all-knowing Members of Congress to comment before the Secretary proceeds with the activity outlined on this page?

I thought that people in this Congress had the feeling that local people ought to have a say in what happens. I did not realize that the new motto of the minority party, of the Republican party was: ''Only the Feds know.''

Now, in another appropriation bill, with respect to energy, we had the issue of whether or not local governments should be consulted before the Federal Government imposed the route for a power line which would run through the property of private property owners, run through farms, run through homes of the elderly. And the question was whether or not those folks would have some say, and whether the State government would have some say, or whether all-knowing Uncle Sam would impose its judgment.

What an incredible confession of arrogance. What an incredible confession that ''I know better than anybody else''. You might. But the language you're striking simply says that we should formally consult other levels of government before a unilateral decision is required of the Secretary.

I think the language speaks for itself. This amendment is incredibly arrogant, and I would suggest a ''no'' vote on the amendment.

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

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

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

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

AMENDMENT NO. 16 OFFERED BY MR. CONAWAY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. CONAWAY:

Page 11, line 24, after the dollar amount insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2209. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Corrections to Regional Office Information — received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2210. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2211. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Roma, Texas) [MB Docket No. 05-142 RM-11220] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2212. A letter from the Chief of Staff to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wofford Heights, California) [MB Docket No. 03-91 RM-10693] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2213. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Glen Arbor, Michigan) [MB Docket No. 03-142 RM-10539] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2214. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jackson, Wyoming) [MB Docket No. 05-101 RM-11159] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2215. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers [CG Docket No. 02-386] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2216. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30545 Amdt. No. 3214] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2217. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Transportation; Miscellaneous Revisions to Registration and Fee Assessment Program [Docket No. PHMSA-2006-25589 (HM-208F)] (RIN: 2137-AE11) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2218. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2007-26812; Directorate Identifier 2006-NM-199-AD; Amendment 39-15006; AD 2007-07-09] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W [Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-15005; AD 2007-04-19R1] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2006-26685; Directorate Identifier 2006-NM-200-AD; Amendment 39-15015; AD 2007-07-14] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped With General Electric CF6-50 Engines [Docket No. FAA-2006-25965; Directorate Identifier 2006-NM-127-AD; Amendment 39-15013; AD 2007-07-08] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Valdez, AK [Docket No. FAA-2006-26719; Airspace Docket No. 06-AAL-41] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30546; Amdt. No. 3215] (RIN: 2120-AA65) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHERMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. THOMPSON of California, Mr. COHEN, Mr. ENGEL, Mr. GRIJALVA, Ms. HIRONO, Mr. KIRK, Mr. LANGEVIN, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, and Mr. BERMAN):

H.R. 2711. A bill to amend title 18, United States Code, to prohibit certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. FORTUÑO, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. PENCE, Mr. POE, Mr. ROHRABACHER, and Mr. ROYCE):

H.R. 2712. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PICKERING (for himself, Mr. POMEROY, and Mr. CANTOR):

H.R. 2713. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries, and to provide for a study by the Commissioner regarding possible improvements in disability claims processing; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina (for himself, Mr. REGULA, Mr. SPRATT, and Mr. NEAL of Massachusetts):

H.R. 2714. A bill to require the President to delay or reverse the implementation of a decision of a World Trade Organization dispute settlement panel or the Appellate Body that is adverse to the United States involving the calculation of dumping margins and weighted average dumping margins, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. MARKEY, Mr. EMANUEL, and Ms. SCHWARTZ):

H.R. 2715. A bill to amend the Internal Revenue Code of 1986 to include heavier vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 2716. A bill to direct the Secretary of Health and Human Services to require the

incorporation of counterfeit-resistant technologies into the packaging of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2717. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2718. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2719. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. FLAKE, Mr. CROWLEY, Mr. REICHERT, Ms. BERKLEY, Mr. BLUMENAUER, Mr. KIRK, Mr. MCDERMOTT, Mr. PETRI, Mr. RYAN of Wisconsin, Mr. SHAYS, and Mr. SMITH of Washington):

H.R. 2720. A bill to amend the Farm Security and Rural Investment Act of 2002 to reform commodity programs and to increase nutrition, conservation, and energy programs of the Department of Agriculture, to reduce the national budget deficit, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and Labor, Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 2721. A bill to amend title 10, United States Code, to require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, information in a compact disk read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary of Veterans Affairs; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself and Mr. OBERSTAR):

H.R. 2722. A bill to restructure the Coast Guard Integrated Deepwater Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DEGETTE (for herself and Mrs. BONO):

H.R. 2723. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care; to the Committee on Energy and Commerce.

By Mr. EMANUEL (for himself and Mr. RAMSTAD):

H.R. 2724. A bill to amend the Internal Revenue Code of 1986 to modify the saver's credit; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. STEARNS):

H.R. 2725. A bill to require the Federal Communications Commission to adopt regulations to protect subscribers to Internet protocol telephone services concerning the use of such services with alarm, security, and personal emergency response systems; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. GOHMERT, Mr. SMITH of Texas, Mr. CHABOT, Mr. BUCHANAN, and Mr. BOOZMAN):

H.R. 2726. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. FEENEY, Mr. BACHUS, Mr. BAKER, Mr. SESSIONS, Mr. PAUL, Mr. NEUGEBAUER, Mr. ROYCE, Mr. HENSARLING, Mr. MANZULLO, Mr. HERGER, Mr. MCHENRY, Mr. AKIN, Mr. DAVIS of Kentucky, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BARTLETT of Maryland, Mr. HELLER, Mr. KINGSTON, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. WALBERG, Mr. LUCAS, Mr. FORTUÑO, Mr. LAMBORN, Mr. MARCHANT, Mr. GINGREY, Mr. PITTS, Mr. BILBRAY, Mr. HOEKSTRA, Mr. RYAN of Wisconsin, Mr. ROSKAM, Mrs. MUSGRAVE, Mr. PENCE, Mr. KIRK, Mrs. BOYDA of Kansas, Mr. PUTNAM, Mr. PEARCE, Mr. SOUDER, Mr. FOSSELLA, Mr. CAMPBELL of California, Mrs. BACHMANN, and Mrs. BIGGERT):

H.R. 2727. A bill to extend the current moratorium for small businesses complying with section 404 of the Sarbanes-Oxley Act of 2002 by 1 year; to the Committee on Financial Services.

By Mr. ISSA (for himself, Mrs. BONO, Mr. CALVERT, Mr. BILBRAY, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mrs. MYRICK, Mr. WELCH of Vermont, Mr. GINGREY, Mr. GARY G. MILLER of California, and Mr. JONES of North Carolina):

H.R. 2728. A bill to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO (for himself, Mr. HOLDEN, Mr. SMITH of New Jersey, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. PASCRELL, Mr. BURTON of Indiana, Mr. SESTAK, Mr. COHEN, Mr. SHERMAN, Mr. HOLT, and Mr. MARSHALL):

H.R. 2729. A bill to amend the Public Health Service Act to extend preventive-health and research programs with respect to prostate cancer; to the Committee on Energy and Commerce.

By Mr. LUCAS:

H.R. 2730. A bill to amend title 31, United States Code, to provide a clear line of demarcation with regard to private ownership of any coin, medal, or numismatic item made or issued by the United States Government before January 1, 1933, and of any piece produced by the United States Mint before such date, that is not in the possession of the United States Government, to establish requirements with respect to the inventory of certain United States coins, medals, numismatic items, and other pieces produced by the United States Mint that are owned by the Department of the Treasury, and for other purposes; to the Committee on Financial Services.

By Mr. PALLONE (for himself and Mr. GENE GREEN of Texas):

H.R. 2731. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 2732. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe the use of earnings and proceeds thereof; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. GEORGE MILLER of California):

H.R. 2733. A bill to establish the Trinity River Restoration Fund, and for other purposes; to the Committee on Natural Resources.

By Mr. WALBERG (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. DAVIS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. DUNCAN, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORBES, Mr. FORTUÑO, Mr. FRANKS of Arizona, Ms. FOXX, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODLATTE, Mr. HELLER, Mr. HENSARLING, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. JORDAN, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. LAMBORN, Mr. LEWIS of California, Mr. LINDER, Mr. MACK, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. SALI, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SOUDER, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 2734. A bill to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. THOMPSON of California):

H.R. 2735. A bill to provide additional funding for operation of national wildlife refuges; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself and Ms. WATERS):

H. Con. Res. 169. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself, Mr. MCCARTHY of California, Mr. GINGREY, Mr. LAMPSON, Mr. KUHL of New York, and Mr. AKIN):

H. Res. 485. A resolution expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as ''Mr. Wizard''; to the Committee on Education and Labor.

By Mr. HILL (for himself and Mr. TOM DAVIS of Virginia):

H. Res. 486. A resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mrs. DRAKE, Mr. FEENEY, Mrs. JO ANN DAVIS of Virginia, Mr. KELLER, Mr. CONAWAY, Mr. TOM DAVIS of Virginia, Mrs. WILSON of New Mexico, and Mr. ORTIZ):

H. Res. 487. A resolution recognizing the contribution of modeling and simulation technology to the security and prosperity of the United States, and recognizing modeling and simulation as a National Critical Technology; to the Committee on Science and Technology.

By Mr. ROGERS of Michigan (for himself, Mr. DINGELL, Mr. CONYERS, Mr. LEVIN, Mr. CRENSHAW, Mr. CAMP of Michigan, Mr. BOUSTANY, Mrs. BLACKBURN, Mr. KNOLLENBERG, Mr. MCCOTTER, Mr. FEENEY, Mr. SHAYS, Mr. WALBERG, Mr. HOEKSTRA, Mr. BUCHANAN, Mr. KIRK, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. TERRY, Mr. REYNOLDS, Mr. SESSIONS, Mrs. BONO, Mr. UPTON, Mr. MACK, Mr. SULLIVAN, Ms. ESHOO, Mr. KELLER, Mr. SHIMKUS, Mr. KILDEE, Ms. KILPATRICK, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. CONAWAY, Mr. HAYES, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. FERGUSON, Mr. BOOZMAN, and Mr. HALL of Texas):

H. Res. 488. A resolution congratulating the Detroit Tigers for winning the 2006 American League Pennant and for bringing the City of Detroit and the State of Michigan their first trip to the World Series in 22 years; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 174: Ms. CASTOR.
H.R. 196: Mr. BOSWELL.
H.R. 197: Mr. MEEHAN and Mr. SESTAK.
H.R. 274: Mr. CANTOR.
H.R. 303: Mr. INSLEE.
H.R. 380: Mr. MEEHAN.
H.R. 503: Ms. VELÁZQUEZ, Mr. BILBRAY, Mr. TAYLOR, Mr. MURTHA, Mr. HILL, and Mr. DAVIS of Illinois.
H.R. 506: Mr. FILNER, Mr. MOORE of Kansas, and Mr. ALEXANDER.
H.R. 530: Mr. SESTAK, Mr. BISHOP of Georgia, and Mr. SIRES.
H.R. 566: Mr. SESTAK.
H.R. 579: Mr. MCNULTY.
H.R. 583: Mr. BISHOP of Georgia.
H.R. 601: Ms. ROYBAL-ALLARD.
H.R. 621: Mr. BUTTERFIELD, Mr. BARROW, and Mr. MEEHAN.
H.R. 648: Mr. ROSS.
H.R. 654: Mr. LYNCH and Ms. KAPTUR.
H.R. 660: Ms. JACKSON-LEE of Texas.
H.R. 661: Mr. MEEHAN.
H.R. 690: Ms. CORRINE BROWN of Florida.
H.R. 697: Mr. MICA.
H.R. 718: Mr. WALBERG and Mr. COHEN.
H.R. 748: Ms. CORRINE BROWN of Florida and Mrs. BACHMANN.
H.R. 750: Ms. NORTON.
H.R. 784: Ms. CORRINE BROWN of Florida and Mr. BACHUS.
H.R. 819: Mr. KLEIN of Florida and Mr. BECERRA.
H.R. 821: Mr. HASTINGS of Florida.
H.R. 869: Mr. BISHOP of Georgia.
H.R. 891: Mr. MEEHAN.
H.R. 900: Mr. SALI.
H.R. 920: Mr. PAYNE and Ms. CORRINE BROWN of Florida.
H.R. 926: Mr. MCCOTTER.
H.R. 943: Mr. MEEHAN.
H.R. 954: Mr. KUHL of New York.
H.R. 998: Mr. HOLT.
H.R. 1078: Mr. MCDERMOTT.
H.R. 1084: Mr. HASTINGS of Florida.
H.R. 1108: Ms. BERKLEY and Ms. CLARKE.
H.R. 1110: Mrs. LOWEY, Mr. PRICE of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. TIBERI, Mr. ALEXANDER, Mr. SULLIVAN, Ms. GIFFORDS, Mr. CALVERT, and Mr. RODRIGUEZ.
H.R. 1157: Mr. HELLER, Ms. PRYCE of Ohio, Mr. HILL, and Mr. COURTNEY.
H.R. 1199: Mrs. MCMORRIS RODGERS.
H.R. 1225: Mr. MEEHAN.
H.R. 1228: Ms. HIRONO.
H.R. 1229: Mr. THOMPSON of Mississippi.
H.R. 1232: Mr. GORDON, Mr. MILLER of North Carolina, Mr. HINCHEY, and Mr. WYNN.
H.R. 1245: Ms. BERKLEY.
H.R. 1250: Mr. MARCHANT.
H.R. 1304: Mr. SOUDER.
H.R. 1314: Mr. SHAYS.
H.R. 1338: Mr. MEEHAN, Ms. CASTOR, and Mr. TOWNS.
H.R. 1346: Ms. LEE.
H.R. 1394: Mr. HINOJOSA and Mr. CONYERS.
H.R. 1406: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1415: Ms. HIRONO and Mr. NEAL of Massachusetts.
H.R. 1416: Ms. HIRONO and Mr. CAPUANO.
H.R. 1418: Mr. THOMPSON of California.
H.R. 1420: Mr. LARSEN of Washington.
H.R. 1422: Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. PUTNAM.
H.R. 1428: Mr. MCHUGH.
H.R. 1439: Mr. PUTNAM.
H.R. 1448: Ms. WOOLSEY and Mr. BRADY of Pennsylvania.
H.R. 1459: Ms. GINNY BROWN-WAITE of Florida, Mr. RUSH, Mr. KENNEDY, Mr. CROWLEY, Mr. HILL, Mr. KELLER, and Mr. SESTAK.
H.R. 1491: Ms. HOOLEY.
H.R. 1498: Mr. MATHESON.
H.R. 1506: Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. HARE, Mr. SNYDER, Mr. UDALL of New Mexico, Mr. DICKS, Ms. HARMAN, and Mr. PASCRELL.
H.R. 1518: Mr. PICKERING, Mr. ALLEN, and Mr. ORTIZ.
H.R. 1552: Mr. SHERMAN, Mr. MACK, Mr. TURNER, Mr. BARROW, Mr. MILLER of North Carolina, Mr. PETERSON of Minnesota, and Mr. MEEHAN.
H.R. 1576: Mr. HINCHEY.
H.R. 1582: Mrs. MCMORRIS RODGERS.
H.R. 1589: Mr. BACHUS.
H.R. 1621: Mr. BISHOP of Utah, Mr. BONNER, Mr. GUTIERREZ, Mr. UDALL of Colorado, Mr. DOGGETT, and Ms. DELAURO.
H.R. 1644: Mr. DINGELL, Mr. RYAN of Ohio, and Mr. DAVIS of Illinois.
H.R. 1645: Ms. NORTON and Mrs. CHRISTENSEN.
H.R. 1647: Mr. DEAL of Georgia, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. WAXMAN, Mr. BARROW, Ms. BERKLEY, Mr. BERRY, and Mr. HASTINGS of Florida.
H.R. 1673: Mr. CALVERT.
H.R. 1674: Ms. JACKSON-LEE of Texas and Mr. INGLIS of South Carolina.
H.R. 1687: Mr. GENE GREEN of Texas and Ms. DELAURO.
H.R. 1693: Mr. MCDERMOTT and Mr. KUCINICH.
H.R. 1713: Ms. BERKLEY, Mr. SESTAK, Mr. BOSWELL, and Mr. MEEHAN.
H.R. 1727: Ms. GINNY BROWN-WAITE of Florida, Mr. MARSHALL, Ms. KAPTUR, Ms. HERSETH SANDLIN, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIBERI, and Mr. WOLF.
H.R. 1767: Mr. UPTON, Mr. NEUGEBAUER, Mr. GOHMERT, Mrs. BOYDA of Kansas, and Mr. MARCHANT.
H.R. 1772: Mr. SNYDER.
H.R. 1780: Mr. GARRETT of New Jersey.
H.R. 1783: Mr. REYNOLDS.
H.R. 1797: Mr. KUHL of New York.
H.R. 1813: Mr. VAN HOLLEN, Mr. KANJORSKI, and Mr. MCNULTY.
H.R. 1825: Mr. LUCAS.
H.R. 1834: Ms. SHEA-PORTER.
H.R. 1843: Mr. BISHOP of Utah.
H.R. 1845: Mrs. BONO, Mr. MCCAUL of Texas, Mr. BUTTERFIELD, Mr. GINGREY, Mr. TIBERI, Mr. MILLER of North Carolina, and Mrs. MILLER of Michigan.
H.R. 1878: Mr. DAVIS of Illinois and Ms. NORTON.
H.R. 1881: Mr. ROTHMAN, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Mr. BERMAN, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1893: Mr. PRICE of North Carolina and Mr. MCHUGH.
H.R. 1927: Mr. BACHUS and Mr. JINDAL.
H.R. 1937: Mrs. CAPITO, Mr. MCINTYRE, Mr. ALLEN, Mr. DANIEL E. LUNGREN of California, Mr. WU, Mr. ROYCE, Ms. BERKLEY, Mr. REHBERG, Mr. EVERETT, Mr. MELANCON, and Mr. THOMPSON of California.
H.R. 1938: Mr. PRICE of North Carolina.
H.R. 1964: Mr. MEEHAN.
H.R. 1971: Mr. PATRICK MURPHY of Pennsylvania, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. SUTTON, Mr. NEAL of Massachusetts, and Ms. CASTOR.
H.R. 1983: Mr. HASTINGS of Florida and Mr. MCGOVERN.
H.R. 1990: Mr. PETERSON of Minnesota and Mr. TANCREDO.
H.R. 2027: Mr. JINDAL.
H.R. 2060: Mr. ROSS and Ms. DEGETTE.
H.R. 2066: Ms. NORTON.
H.R. 2091: Mr. PLATTS.
H.R. 2111: Ms. CLARKE.
H.R. 2129: Mrs. NAPOLITANO, Mr. BERMAN, Mr. ROTHMAN, Mrs. JONES of Ohio, Mrs. TAUSCHER, Mr. DEFAZIO, Ms. ESHOO, and Mr. SCHIFF.
H.R. 2137: Mr. JORDAN and Mr. WAMP.
H.R. 2138: Ms. DELAURO, Mrs. BOYDA of Kansas, Mr. COLE of Oklahoma, Mr. TIAHRT, and Mr. GOHMERT.
H.R. 2139: Mr. KIRK, Mr. LINCOLN DAVIS of Tennessee, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. CHANDLER, Mr. ELLSWORTH, and Mr. WILSON of Ohio.
H.R. 2147: Mr. MOORE of Kansas.
H.R. 2183: Mrs. JO ANN DAVIS of Virginia and Mr. BARTLETT of Maryland.
H.R. 2185: Ms. BORDALLO.
H.R. 2204: Mr. CONYERS and Mr. MEEHAN.
H.R. 2205: Mr. DAVIS of Illinois.
H.R. 2210: Mr. FORTUÑO, Mr. GONZALEZ, and Mr. ABERCROMBIE.
H.R. 2214: Mr. LARSEN of Washington.
H.R. 2234: Mr. PAYNE, Ms. CASTOR, Ms. JACKSON-LEE of Texas, Ms. SUTTON, and Mr. BRADY of Pennsylvania.
H.R. 2236: Mr. PRICE of North Carolina.
H.R. 2247: Mr. STUPAK and Mrs. JO ANN DAVIS of Virginia.
H.R. 2266: Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. LARSEN of Washington, and Mrs. DAVIS of California.
H.R. 2287: Mr. HOLT and Mr. MCNERNEY.
H.R. 2303: Mr. BAKER.
H.R. 2305: Mr. WALBERG.
H.R. 2313: Mr. WU and Mr. MILLER of North Carolina.
H.R. 2320: Ms. ZOE LOFGREN of California.
H.R. 2327: Ms. MCCOLLUM of Minnesota, Mr. KIRK, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mr. BLUMENAUER, and Mr. BURGESS.
H.R. 2343: Mr. KUCINICH, Mr. MCHUGH, Mr. CARNAHAN, Ms. WOOLSEY, and Mr. GRIJALVA.
H.R. 2353: Mr. NADLER.

H.R. 2397: Mr. BRALEY of Iowa and Mr. WYNN.
H.R. 2400: Ms. SHEA-PORTER.
H.R. 2405: Mr. GENE GREEN of Texas and Mr. DAVIS of Illinois.
H.R. 2425: Mr. REICHERT.
H.R. 2435: Ms. CASTOR.
H.R. 2457: Ms. SUTTON.
H.R. 2508: Mr. KINGSTON and Mr. GINGREY.
H.R. 2539: Mr. ARCURI.
H.R. 2542: Ms. GIFFORDS.
H.R. 2549: Mr. BRALEY of Iowa, Mr. NEAL of Massachusetts, and Mr. PORTER.
H.R. 2550: Mr. PUTNAM, Mr. SESSIONS, Mr. DUNCAN, Mr. BUCHANAN, and Mr. SPACE.
H.R. 2564: Mr. DONNELLY.
H.R. 2578: Mr. BAKER and Mr. REYNOLDS.
H.R. 2580: Ms. NORTON.
H.R. 2592: Mr. ENGEL.
H.R. 2617: Ms. CASTOR.
H.R. 2630: Mr. JINDAL and Mr. LOBIONDO.
H.R. 2670: Mr. WILSON of South Carolina, Mr. RADANOVICH, Mr. WESTMORELAND, and Mr. CAMPBELL of California.
H.R. 2677: Mr. FRANK of Massachusetts and Mr. DUNCAN.
H.R. 2694: Mr. MORAN of Virginia, Ms. ESHOO, Mr. BUTTERFIELD, Mr. GEORGE MILLER of California, and Mr. LATOURETTE.
H.R. 2707: Mrs. SCHMIDT and Mrs. JONES of Ohio.
H. Con. Res. 3: Mr. TIAHRT, Ms. SOLIS, Ms. MCCOLLUM of Minnesota, and Mr. RANGEL.
H. Con. Res. 28: Mr. OBERSTAR.
H. Con. Res. 50: Mr. PENCE and Ms. ROS-LEHTINEN.
H. Con. Res. 70: Mr. ALLEN, Mr. ROTHMAN, Mr. BISHOP of New York, and Mrs. BIGGERT.
H. Con. Res. 87: Mr. MEEHAN.
H. Con. Res. 91: Mr. MEEHAN.
H. Con. Res. 97: Mr. BISHOP of New York.
H. Con. Res. 104: Mr. OLVER.
H. Con. Res. 108: Ms. BORDALLO and Ms. WATSON.
H. Con. Res. 122: Mr. MEEHAN and Ms. DEGETTE.
H. Con. Res. 131: Mr. FOSSELLA.
H. Con. Res. 135: Mr. SESTAK.
H. Con. Res. 136: Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 137: Mr. WU, Ms. ROS-LEHTINEN, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 160: Ms. WATSON and Mr. MCCOTTER.
H. Con. Res. 163: Mr. THOMPSON of California.
H. Res. 111: Ms. HARMAN and Mr. RYAN of Ohio.
H. Res. 121: Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. WALSH of New York, Mr. DICKS, and Mr. WAMP.
H. Res. 231: Mr. INGLIS of South Carolina.
H. Res. 257: Mr. TIBERI.
H. Res. 282: Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. CAPUANO, and Mr. SHULER.
H. Res. 287: Ms. LEE, Mr. WEXLER, and Mr. CROWLEY.
H. Res. 335: Mr. MCDERMOTT and Mr. GOODE.
H. Res. 356: Ms. DELAURO, Mr. Lincoln Diaz-Balart of Florida, and Ms. LEE.
H. Res. 378: Mrs. MCCARTHY of New York, Mr. UPTON, Ms. HARMAN, Mr. COBLE, Mr. Courtney, Mr. Lincoln Diaz-Balart of Florida, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.
H. Res. 384: Mr. HUNTER, Mr. HALL of Texas, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. TOWNS, Mr. INSLEE, Mr. BAIRD, Mr. CRENSHAW, Mr. RENZI, Ms. ESHOO, and Mr. BISHOP of Utah.
H. Res. 389: Mr. RANGEL.
H. Res. 415: Mr. AL GREEN of Texas.
H. Res. 424: Mr. SESTAK.
H. Res. 425: Ms. SCHAKOWSKY.
H. Res. 433: Mr. DAVIS of Illinois.
H. Res. 447: Mr. BURTON of Indiana and Mr. GUTIERREZ.
H. Res. 456: Mr. LATOURETTE.
H. Res. 457: Mr. HASTINGS of Florida.
H. Res. 477: Mr. JEFFERSON, Mrs. MCMORRIS RODGERS, Mr. MARSHALL, Mr. WILSON of South Carolina, and Mr. BISHOP of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

60. The SPEAKER presented a petition of the Selectboard of Roxbury, Vermont, relative to a Resolution supporting the men the Town of and women serving in all branches of the United States Armed Forces in Iraq; to the Committee on Armed Services.

61. Also, a petition of the Legislature of Monroe County, New York, relative to Resolution No. 07–0125 memorializing the Congress of the United States to pass legislation to decrease the disparity in military benefits between military reservists and enlisted servicemen and women; to the Committee on Armed Services.

62. Also, a petition of the San Luis Coastal Unified School District, California, relative to Resolution No. 11–06–07 urging the Congress of the United States to review and address the necessary amendments to the No Child Left Behind Act so that schools can successfully implement the Act; to the Committee on Education and Labor.

63. Also, a petition of Mr. Gavin Newsom, Mayor of the City Francisco, California, relative to supporting House Resolution recognizing the Armenian Genocide of 1915; to the Committee on Affairs.

64. Also, a petition of the Board of Supervisors of Santa Clara County, California, relative to a Resolution urging the World Health Organization to approve the extending of an invitation to Taiwan to participate in the World Health Organization's annual World Health Assembly meeting as an observer; to the Committee on Foreign Affairs.

65. Also, a petition of the Common Council of the City of York, relative to a Resolution urging the federal government States of America to seek positive diplomatic relations with Committee on Foreign Affairs.

66. Also, a petition of the Board of Supervisors of Los Angeles County, California, relative to a Resolution opposing H.R. 811, the Voter Confidence and Increased Accessibility Act and S. 559, the Vote Integrity and Verification Act; to the Committee on House Administration.

67. Also, a petition of the City of Key Colony Beach, Florida, relative to a Resolution requesting that the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

68. Also, a petition of the Board of County Commissioners of Glades County, Florida, relative to Resolution No. 2007–7 requesting that the Congress of the United States appropriate the funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

69. Also, a petition of the InterCounty Association of Western New York, relative to Resolution No. 18–07 urging the United States House of Representatives and the United States Senate to support mandatory funding for veterans' healthcare services; to the Committee on Veterans' Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2638

OFFERED BY: MR. KING OF NEW YORK

AMENDMENT NO. 132: Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 133: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads pursuant to section 102 of Public Laws 104–208.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 134: At the end before the short title, insert the following new section:

SEC. ____. (a) Clause 6(b) of rule XIII of the Rules of the House of Representatives is amended by striking the period and inserting ''; or'' at the end of subparagraph (2) and by adding at the end the following new subparagraph:

''(3) a rule or order that would limit any amendment that would otherwise be in order to a rescission bill.''.

(b) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by inserting `(1)' after `(b)', by redesignating subparagraphs (1) through (6) as subdivisions (A) through (F), respectively, and by adding at the end the following:

''(2)(A) Whenever a rescission bill passes the House, the Committee on the Budget shall immediately reduce the applicable allocations under section 302(a) of the Congressional Budget Act of 1974 by the total amount of reductions in budget authority and in outlays resulting from such rescission bill.

''(B) As used in this subparagraph, the term 'rescission bill' means a bill or joint resolution which only rescinds, in whole or in part, budget authority and which includes only titles corresponding to the most recently enacted appropriation bills that continue to include unobligated balances.''.

(c) Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. (a) By February 1, May 1, July 30, and November 11 of each session, the majority leader shall introduce a rescission bill. If such bill is not introduced by that date, then whenever a rescission bill is introduced during a session on or after that date, a motion to discharge the committee from its consideration shall be privileged after the 10-legislative day period beginning on that date for the first 5 such bills.

''(b) It shall not be in order to offer any amendment to a rescission bill except an amendment that increases the amount of budget authority that such bill rescinds.

''(c) As used in this clause and in clause 6, the term 'rescission bill' has the meaning given such term in clause 4(b)(2)(B) of rule X.''.

(d) Rule XXI of the Rules of the House of Representatives (as amended by subsection (d)) is further amended by adding at the end the following new clause:

''8. (a) It shall not be in order to consider any rescission bill, or conference report thereon or amendment thereto, unless—

''(1) in the case of such bill or conference report thereon, it is made available to Members and the general public on the Internet for at least 48 hours before its consideration; or

''(2)(A) in the case of an amendment to such rescission bill made in order by a rule, it is made available to Members and the general public on the Internet within one hour after the rule is filed; or

''(B) in the case of an amendment under an open rule, it is made available to Members and the general public on the Internet immediately after being offered; in a format that is searchable and sortable. No amendment to an amendment to a rescission bill shall be in order unless germane to the amendment to which it is offered.

''(b) No amendment to an amendment to a rescission bill shall be in order unless germane to the amendment to which it is offered.''.

H.R. 2638

OFFERED BY: MR. BURGESS

AMENDMENT NO. 135: Page 2, line 16, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 23, line 16, after the dollar amount, insert ''(increased by $15,000,000)''.

H.R. 2638

OFFERED BY: MR. KING OF NEW YORK

AMENDMENT NO. 136: Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

H.R. 2638

OFFERED BY: MR. WALZ OF MINNESOTA

AMENDMENT NO. 9: Page 30, line 14, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 32, line 22, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 32, line 23, insert after 2009 the following: '', of which $1,000,000 is for the Secretary of Veterans Affairs and the Secretary of Defense to develop performance measures for determining progress toward the sharing of Department of Veterans Affairs and Department of Defense health care resources pursuant to section 8111 of title 38, United States Code, and to submit to Congress a report on such performance measures''.

H.R. 2638

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 10: Page 31, line 6, after ''Philippines'', insert '': *Provided further*, That of the amount appropriated under this heading, $10,000,000 may not be obligated or expended until the Secretary of Veterans Affairs submits a report to the Committee on Appropriations and the Committee on Veterans Affairs of the House of Representatives outlining the progress and plan for implementation of the Office of Rural Health within the Office of the Under Secretary for Veterans Health, which shall be fully implemented by January 1, 2008''.

H.R. 2642

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 11: Page 32, line 8, after ''appropriation'', insert '': *Provided further*, That $10,000,000 of such funds may not be obligated or expended until the Secretary of Veterans Affairs submits to the House of Representatives an executable plan, to be implemented not later than January 1, 2010, for maintaining medical records that are interoperable between the Department of Veterans Affairs and the Department of Defense''.

H.R. 2642

OFFERED BY: MR. DONNELLY

AMENDMENT NO. 12: Page 44, after line 22, insert the following new section:

SEC. ____. Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report explaining what is being done to implement the eight open recommendations made to the Secretary by the Government Accountability Office for improving the timeliness, accuracy and consistency of disability claims processing by the Department of Veterans Affairs, as recorded in a letter dated May 25, 2007, sent by the Government Accountability Office to the President's Commission on Care for America's Returning Wounded Warriors (GAO–07–906R).

H.R. 2642

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 13: In section 405 (page 48, beginning on line 11), strike ''encouraged'' and insert ''directed''.

H.R. 2642

OFFERED BY: MR. PENCE

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following new section:

SEC. 409. None of the funds appropriated or otherwise made available by this Act may be used for construction of a structure or purchase of equipment for the purpose of performing abortions.

H.R. 2642

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 15: At the appropriate place, add the following new section:

SEC. ____. ESTABLISHMENT OF DEPARTMENT OF DEFENSE MEDICAL CENTERS SPECIALIZING IN POST TRAUMATIC STRESS DISORDER IN UNDER SERVED AREAS.

(a) INCREASE.—The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities.

(b) SPECIFIC CRITERIA.—At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as the term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom as May 1, 2007; and

(3) have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

H.R. 2642

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 16: At the appropriate place, add the following new section:

SEC. ____. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS SPECIALIZING IN POST TRAUMATIC STRESS DISORDER IN UNDER SERVED AREAS.

(a) INCREASE.—The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities.

(b) SPECIFIC CRITERIA.—At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as the term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom as May 1, 2007; and

(3) have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

H.R. 2642

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 17: Page 10, line 17, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 27, line 6, after the dollar amount insert ''(increased by $22,000,000)''.