the amendment offered by the gentleman from Texas (Mr. CUELLAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 256, not voting 14, as follows:

[Roll No. 388]

AYES—162

Ackerman
Adams
Andrews
Bachmann
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Bilbray
Bishop (UT)
Blackburn
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Castor (FL)
Chabot
Chandler
Clarke (MI)
Coble
Coffman (CO)
Conaway
Critz
Cuellar
Culberson
Cummings
DeFazio
Deutch
Doggett
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Engel
Farenthold
Fattah
Fitzpatrick
Flake
Fudge
Garamendi
Gardner
Gibson
Granger
Graves (GA)
Green, Gene
Hall
Hanna
Harris
Hartzler
Herger
Herrera Beutler
Higgins
Hinojosa
Hochul
Holden
Huelskamp
Hunter
Inslee
Israel
Issa
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Larsen (WA)
Larson (CT)
Latham
Lewis (CA)
Loebsack
Lynch
Mack
Marchant
Marino
Matheson
McCarthy (NY)
McCaul
McClintock
McIntyre
McKeon
McMorris Rodgers
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Murphy (PA)
Neugebauer
Nugent
Nunes
Olson
Pallone
Pascrell
Pearce
Pelosi
Perlmutter
Peters
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Quayle
Rahall
Rehberg
Reichert
Renacci
Reyes
Richardson
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Schiff
Schmidt
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Sires
Smith (TX)
Southerland
Stearns
Sullivan
Sutton
Thornberry
Towns
Upton
Webster
Weiner
West
Young (AK)
Young (FL)
Young (IN)

NOES—256

Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachus
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Brown (FL)
Buchanan
Bucshon
Buerkle
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Dold
Dreier
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farr
Filner
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hurt
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kildee
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Maloney
Markey
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHenry
McKinley
McNerney
Meehan
Meeks
Mica
Miller (NC)
Miller, George
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nunnelee
Olver
Owens
Palazzo
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Peterson
Pingree (ME)
Polis
Pompeo
Posey
Price (NC)
Quigley
Rangel
Reed
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)
Rokita
Rooney
Ros-Lehtinen
Roskam
Roybal-Allard
Runyan
Rush
Sánchez, Linda T.
Scalise
Schakowsky
Schilling
Schock
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sewell
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Stutzman
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tipton
Tonko
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder

NOT VOTING—14

Chaffetz
Chu
Giffords
Gohmert
Gonzalez
Lucas
Manzullo
Myrick
Schwartz
Slaughter
Tierney
Walz (MN)
Wasserman Schultz
Waters

□ 1855

Mr. NEAL and Mrs. MALONEY changed their vote from ''aye'' to ''no.''

Messrs. ROGERS of Michigan and BROOKS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–97) on the resolution (H. Res. 288) providing for consideration of the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 287 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. 2017.

□ 1858

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. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. DOLD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose earlier today, the amendment offered by the gentleman from Texas (Mr. CUELLAR) had been disposed of, and the bill had been read through page 6, line 22.

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

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

Mr. ADERHOLT. I yield to the gentleman from Alabama for the purpose of a colloquy.

Mr. ROGERS of Alabama. I want to thank Chairman ADERHOLT, my good friend from Alabama, for yielding.

Mr. Chairman, I commend you for bringing this important legislation to the floor and for your hard work during these difficult budget times. As chairman of the subcommittee with sole authorizing jurisdiction over the Transportation Security Administration in the House, I welcome our continued

collaboration on transportation security issues.

Specifically today, I want to discuss with you the need to increase the number of explosive detection canines within TSA for aviation and surface transportation security. Within the area of passenger screening, we all know that explosive detection canines are one of the most effective screening means, and they do it without many of the concerns and costs of other types of detection technology.

□ 1900

They do not impede the flow of traffic, and they avoid privacy concerns because they do not come into direct contact with passengers.

We know that the military canine units in Iraq and Afghanistan can detect improvised explosive devices with an 80 percent rate, much higher than the 50 percent expected from those units with other technologies.

And for all the good that canines do, they do it at a better price than other technologies. If there is a better, more cost-efficient option to increasing canines, I am open to any suggestion.

In fact, according to published reports, the elite Navy SEAL team that killed Osama bin Laden likely carried at least one canine with them on that mission into Pakistan. Surely, then, canines can and do provide invaluable bomb detection services here at home.

Especially in these times of heightened terrorist threats, along with the information that we gathered from killing bin Laden, we need to prudently increase the number of detection canines in TSA.

Mr. ADERHOLT. Chairman ROGERS, I too look forward to continuing to work with you on this issue involving the TSA. I completely agree that the explosive detection canines are a cost-effective, proven critical part of the TSA security. As we continue to work together on both appropriations and your efforts on reauthorizing and transforming TSA, I look forward to exploring all of the potential options to utilize detection canines to patrol our transportation systems.

Thank you for your work in making our transportation systems more secure.

Mr. ROGERS of Alabama. Thank you, Chairman ADERHOLT. I also want to thank my colleague, Representative JASON CHAFFETZ, for his work on this issue and my friend and colleague, Representative SHEILA JACKSON LEE, for her dedication to it as well.

The Acting CHAIR (Mr. BASS of New Hampshire). The Clerk will read.

The Clerk read as follows:

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 8,000 (7,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,769,518,000, of which $3,274,000 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)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $287,901,000 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 2012, 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 U.S. 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 the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for Inspection and Detection Technology that identifies for each technology—

(1) the inventory of Inspection and Detection Technology by location and date of deployment;

(2) the proposed appropriations included in the budget subdivided by the proposed appropriations for procurement, including quantity, deployment, and operations and maintenance;

(3) projected funding levels for procurement in quantity, deployment, and operations and maintenance for each of the next three fiscal years; and

(4) a current acquisition program baseline that—

(A) aligns the acquisition of each technology to mission requirements by defining existing capabilities of comparable legacy technology assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps;

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology; and

(C) includes a phase-out and decommissioning schedule delineated by fiscal year for existing legacy technology assets that each technology is intended to replace or recapitalize.

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 13, after the first dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

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

Mr. KING of Iowa. Mr. Chairman, my amendment goes in and strikes out a million dollars and inserts that million dollars back in again and directs that, in our dialogue here in the CONGRESSIONAL RECORD, for the purpose of taking out the lookout points, the spotter locations that have been formed by the drug smugglers on the U.S. side of the border between primarily Arizona and Mexico.

A number of times I have been down to the border to review these lookout posts, these spotter locations, and on certain occasions I have climbed to the top of those small mountains where they overlook the transportation links that we have the intersections, and the drug smugglers have actually taken paramilitary positions on top of these mountains overlooking U.S. transportation for the purposes of being able to warn their drug and people smugglers when the Border Patrol and other law enforcement are coming along the way. I have gone to the top of these mountains with Border Patrol and with the Shadow Wolves down there on the border and flown to the top of some of these mountains to take the positions that are taken by the spotters.

This is something that this Congress has spoken to before. This amendment has passed in the past, and what it does is it directs the Border Patrol and their security personnel to take those locations out, not to concede these tactical locations inside the United States that go as far up as Tucson and on north towards Phoenix.

And, in fact, about 4 years ago, I and a couple of others put together a map of these locations. I stood with some of our law enforcement personnel, and I said, Show me where on the map. They started drawing X's on the map. I took it along the Arizona border, and when we were done, I had over 75 locations of mountaintops that were manned by drug smuggling personnel. They are supplied and resupplied, Mr. Chairman.

This Congress can't tolerate those kinds of locations here in the United States, and I urge the adoption of my amendment, which simply directs the law enforcement personnel to use that million dollars to take out the spotters on the lookouts on the mountains that control the transportation and let smuggling happen within the United States.

I urge adoption.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek recognition?

Mr. ADERHOLT. I have no objection and accept the gentleman's amendment.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $334,275,000, to remain available until September 30, 2014, of which not less than $140,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the funds made available under this heading that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) current acquisition program baselines for the Automated Commercial Environment and TECS Modernization respectively, that—

(A) note and explain any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) align these acquisition programs to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) define life-cycle costs for these programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $500,000,000, to remain available until September 30, 2014: *Provided*, That of the total amount made available under this heading, $150,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed expenditure plan prepared by the Secretary of Homeland Security, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of fencing, tactical infrastructure, and technology: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the Border Security Fencing, Infrastructure, and Technology account, that includes for each tactical infrastructure and technology deployment—

(1) the funding level in that budget and projected funding levels for each of the next three fiscal years, including a description of the purpose of such funding levels;

(2) the deployment plan, by border segment, that aligns each deployment to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements related to achieving operational control, and explaining how each tactical infrastructure or technology deployment will address such known capability gaps; and

(3) a current acquisition program baseline that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the most recent acquisition program baseline approved by the Department of Homeland Security Acquisition Review Board;

(B) includes a phase-out and life-cycle recapitalization schedule delineated by fiscal year for existing and new tactical infrastructure and technology deployments that each deployment is intended to replace or recapitalize; and

(C) includes qualitative performance metrics that assess the effectiveness of new and existing tactical infrastructure and technology deployments and inform the next multi-year investment and management plan related to achieving operational control of the Northern and Southwest borders of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $499,966,000, to remain available until September 30, 2014: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the five-year strategic plan for the air and marine program directed in conference report 109–241 accompanying Public Law 109–90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, oversee, administer, and maintain buildings and facilities and to provide facilities solutions and related infrastructure along with program management support necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $234,096,000, to remain available until September 30, 2016: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act for the projects funded under this heading: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, an inventory of the real property of the U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2013.

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Does the gentleman from Michigan seek unanimous consent to have his amendment considered out of order at this point?

Mr. CLARKE of Michigan. Yes.

The Acting CHAIR. Is there objection?

Mr. ADERHOLT. I object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk read as follows:

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,522,474,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*,

That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable and aliens who may pose a serious risk to public safety or national security who may be deportable, and to remove them from the United States once they are judged deportable, of which $194,064,000 shall remain available until September 30, 2013: *Provided further*, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make such progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That the funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2012: *Provided further*, That of the total amount provided, not less than $2,750,843,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $10,300,000 shall remain available until September 30, 2013, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

Mr. KING of Iowa. Mr. Chairman, I had an amendment on page 12.

The Acting CHAIR. The gentleman from Iowa should be advised that the reading has progressed beyond that point in the bill.

Does the gentleman have an amendment to this portion of the bill?

Mr. KING of Iowa. Mr. Chairman, I ask unanimous consent to take up the amendment on page 12.

Mr. DICKS. I object.

The Acting CHAIR. The Chair hears objection.

Does the gentleman have an amendment to this portion of the bill?

Mr. KING of Iowa. No, sir.

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 24, after the dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

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

The Acting CHAIR. A point of order is reserved.

The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. KING of Iowa. Mr. Chairman, this amendment is an amendment that strikes $1 million and puts a million back in. It's an amendment that has been before this Congress before. It's one that supports the Shadow Wolves, and the Shadow Wolves are a part of CBP. They are stationed at Sells, Arizona. They are within, mostly the Tohono O'odham reservation.

They are Native Americans that defend our border and interact culturally and regionally in that area. They have been very, very effective. Their numbers have gone up, approaching 20, but their numbers have diminished now down to only five Shadow Wolves left. They have been excellent about tracking smugglers through the desert.

They have been very effective in law enforcement, and they have been shifted back and forth out of Border Patrol into Customs and Border Protection in the past, but still their numbers are reduced, and this is $1 million that directs them to go forward and expand the Shadow Wolves again, to sustain them.

I think it's a compliment to the Native Americans all across this country, the effectiveness the Shadow Wolves have provided on the border. Again, I have been down to visit them a number of times, watched them in action, participated with them in action.

□ 1910

Actually with Shadow Wolves, we did a one-strut landing of a Blackhawk on top of those lookout points that were my previous amendment.

And so I urge this Congress to take action today to preserve what's left of the Shadow Wolves, the five that are there, and encourage and direct that there be the employees added to those works. If we let that funding reduce any further, the Shadow Wolves are gone probably forever, and their effectiveness has been something that's been a challenge to the rest of law enforcement along the border.

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

Mr. ADERHOLT. Mr. Chairman, I withdraw the point of order and accept the gentleman's amendment.

The Acting CHAIR. The reservation is withdrawn.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARROW

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 24, after the dollar amount insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

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

Mr. BARROW. Mr. Chairman, I recently returned from a trip to our southern border at the invitation of our colleague, GABRIELLE GIFFORDS. While I think it's fair to say that advances have been made since my most recent trip to the border in 2007, I feel it's also necessary to report that significant challenges remain.

Successful border security requires a multi-pronged strategy. We need the physical presence of boots on the ground. We need to enforce the laws on the books to deny benefits to those who are here illegally, and we need to identify illegal immigrants who may pose a serious risk to public safety or national security and deport them.

One of our main tools in identifying those public safety risks is the Law Enforcement Support Center, or the LESC. The LESC serves as a clearinghouse for local law enforcement officials, providing real-time information and help on immigration status of illegal immigrants suspected, arrested, or convicted of criminal activity.

In fiscal year 2010, the LESC fielded over 1 million requests for information from local law enforcement, and recent changes to State law will surely increase those requests. My amendment expresses the intent of Congress to prioritize LESC funding, and I urge my colleagues to support it.

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

Mr. ADERHOLT. I have no objection and accept the gentleman's amendment.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $23,860,000, to remain available until September 30, 2016: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for funds made available under this heading that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) current acquisition program baselines for Atlas and TECS Modernization respectively, that—

(A) note and explain any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) align these acquisition programs to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) define life-cycle costs for these programs.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,224,556,000, of which $1,692,000,000 shall be available until September 30, 2013, and of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,155,813,000 shall be for screening operations, of which $555,003,000 shall be for explosives detection systems; of which $181,285,000 shall be for checkpoint support; and not to exceed $1,068,743,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $222,738,000 shall be available for the purchase and installation of such systems, of which not less than 10 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012 any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received in fiscal year 2012, so as to result in a final fiscal year appropriation under this heading from the general fund of not more than $3,194,556,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall be available for fiscal year 2013: *Provided further*, That Members of the House of Representatives and the Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the Attorney General, Deputy Attorney General, Assistant Attorneys General, and United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $129,748,000, to remain available until September 30, 2013.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $183,954,000, to remain available until September 30, 2013.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,032,790,000, to remain available until September 30, 2013: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2013: *Provided further*, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $961,375,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $28,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,071,061,000, of which $598,278,000 shall be for defense-related activities, of which $258,278,000 is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress); of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until (1) a revised future-years capital investment plan for fiscal years 2012 through 2016, as specified under the heading ''Coast Guard, Acquisition, Construction, and Improvements'' of this Act, that is reviewed by the Comptroller General of the United States; (2) the fiscal year 2012 second quarter acquisition report; and (3) the polar operations high latitude study are submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress) may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $10,198,000, to remain available until September 30, 2016: *Provided*, That an expenditure plan that itemizes the costs associated with each project identified in the Coast Guard's Environmental Compliance and Restoration backlog report dated April 11, 2011, shall be included at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; $131,778,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,151,673,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $427,691,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which

$328,900,000 shall be available until September 30, 2014, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which $171,140,000 shall be available until September 30, 2014, for other equipment; of which $116,000,000 shall be available until September 30, 2016, for shore, infrastructure, military housing, and aids to navigation facilities, including waterfront facilities at Navy installations used by the Coast Guard, of which $14,000,000 may be derived from the Coast Guard Housing Fund, established under section 687 of title 14, United States Code; and of which $107,942,000 shall be available for personnel compensation and benefits and related costs: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

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

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

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $12,779,000, to remain available until September 30, 2016, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation: *Provided further*, That a detailed expenditure plan for the amount requested under this heading shall be included with the President's annual budget submission.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,666,451,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2013: *Provided*, That up to $18,000,000 for protective travel shall remain available until September 30, 2013: *Provided further*, That up to $12,307,000 for National Special Security Events shall remain available until September 30, 2013: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That of the total amount made available under this heading, $43,843,000, to remain available until September 30, 2014, is for information integration and transformation: *Provided further*, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriation of the Senate and the House of Representatives certifying that all plans for such integration and transformation are consistent with Department of Homeland Security enterprise architecture requirements: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $6,780,000, to remain available until September 30, 2016.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $42,511,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $891,243,000: *Provided*, That of the amount made available under this heading, $219,420,500 may not be obligated for the National Cyber Security Division program and $148,639,500 may not be obligated for the Office of Infrastructure Protection until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the programs, the specific goals and milestones set for the programs, and the funds allocated to achieving each of those goals and milestones: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, (1) an expenditure plan for the Office of Infrastructure Protection and the National Cyber Security Division that describes the strategic context of the programs, the specific goals and milestones set for the programs, and the funds allocated to achieving each of those goals and milestones for the fiscal year being appropriated; and (2) a multi-year investment and management plan for the National Cybersecurity Protection System that identifies—

(1) the inventory of nests and sensors by location and date of deployment;

(2) the proposed appropriations included in that budget for each increment sub-divided by procurement, including quantity, deployment, and operations and maintenance;

(3) projected funding levels for procurements including quantity, deployment, and operations and maintenance for each increment for each of the next five fiscal years; and

(4) a current acquisition program baseline that—

(A) aligns the acquisition to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps; and

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of Federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall include with the submission of the fiscal year 2013 budget a strategic human capital plan that aligns fee collection to personnel requirements based on the current threat assessment; *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2013 shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $297,402,000: *Provided*, That of the total amount made available under this heading, $194,295,000 is to remain available until September 30, 2014: *Provided further*, That of the total amount provided, $50,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act, that meets the statutory conditions specified under this heading in Public Law 110–329: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the United States Visitor and Immigrant Status Indicator Technology program that includes—

(1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;

(2) the total estimated cost, projected funding by fiscal year, and projected timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

(3) a detailed accounting of operations and maintenance, contractor services, and program costs associated with the management of identity services.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $165,949,000; of which $30,171,000 is for salaries and expenses and $115,164,000 is for BioWatch operations: *Provided*, That $45,615,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program, project, and activity and by objective for each fiscal year shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $707,298,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the Secretary of Homeland Security shall submit an expenditure plan detailed by office for the Federal Emergency Management Agency to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: *Provided further*, That of the total amount made available under this heading, not to exceed $5,863,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available under this heading, $35,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $5,493,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107–296).

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $1,000,000,000, which shall be distributed at the discretion of the Secretary of Homeland Security based on the following authorities:

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605).

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), notwithstanding subsection (c)(1) of such section, funds provided under this paragraph may be used for grants to organizations (as described under

section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack.

(3) The Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) The Citizen Corps Program, notwithstanding the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.).

(5) The Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163): *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(7) Port Security Grants in accordance with 46 U.S.C. 70107.

(8) The Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

Provided, That of the amount provided under this heading, $55,000,000 shall be for Operation Stonegarden and $192,663,000 shall be for training, exercises, technical assistance, and other programs, of which $107,000,000 shall be for training of State, local, and tribal emergency response providers: *Provided further*, That funds provided under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) shall only be provided to the top 10 highest risk urban areas: *Provided further*, That notwithstanding subsection (c)(4) of section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under the State Homeland Security Grant Program in accordance with subsection (c)(1) of such section 2004: *Provided further*, That 10 percent of the amounts provided under this heading shall be transferred to ''Federal Emergency Management Agency, Management and Administration'' for program administration, and the Secretary of Homeland Security shall provide an expenditure plan for program administration to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a detailed expenditure plan for program administration for each fiscal year to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than five percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (4), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants awarded under paragraphs (5) through (9), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to expend by the end of fiscal year 2012 all unexpended balances of funds appropriated for fiscal years before fiscal year 2008 under this heading.

AMENDMENT OFFERED BY MS. RICHARDSON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 10, after ''heading'' insert the following: ''at least $10,000,000 shall be for Buffer Zone Protection Plan Grants, $50,000,000 shall be for Port Security Grants, $100,000,000 shall be for public Transportation Security Assistance and Railroad Security Assistance, $50,000,000 shall be for interoperable emergency communications, $42,337,000 shall be for the Metropolitan Medical Response System.''.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentlewoman from California for 5 minutes in support of her amendment.

Ms. RICHARDSON. Mr. Chairman, as former chair and current ranking member on the Homeland Security Emergency Preparedness Subcommittee and member of the Transportation and Infrastructure Committee, I offer this amendment in good faith to save lives and to protect American citizens.

Like my Republican colleague, Chairman KING, I have a strong concern with the current appropriations bill in its current form which in and of itself could potentially cause dangerous threats to our national security by drastically cutting vital response and prevention programs, leaving Americans and their visitors vulnerable when we are most in time of need.

My amendment will make great strides to remedy this danger by ensuring that the Department of Homeland Security allocates $50 million for the Port Security program, $100 million for the Public Transportation Security Assistance and Railroad Security Assistance program, $50 million for Interoperable Emergency Communications Grant program, $10 million for the Buffer Zone Protection program, and $42.3 million for the Metropolitan Medical Response System.

The Richardson amendment dedicates $252 million of the $1 billion authorized, all while still preserving the chairman's original intent by allowing 50 percent of those dollars to remain flexible under the direction of what the committee had originally provided and also still maintaining the $247 million that the committee designated for Stonegarden and for training.

□ 1920

Mr. Chairman, each and every day, America faces threats to our national security. Certainly, the most well-known are the threats to our ports and our transit systems, which I have particularly been focused on given the fact that my district covers two of the largest ports in the entire United States.

However, these programs that I've mentioned so far go beyond the LA area. When you consider the recent tornadoes in Alabama and Missouri, the floods in Tennessee, other natural disasters, and other large-scale emergency situations facing our Nation, strong and effective security and response programs are vital to the lives of all Americans coast to coast. It therefore seems counterintuitive and short-sighted to undermine port and rail security, medical response and communication efforts by cutting the grant programs, or should I say, by not ensuring that these particular categories have sufficient funds in them. My amendment ensures that the funds will be available for port and rail security assistance grant programs.

Now, despite the recent strides that we have made in the war on terror, when we found bin Laden's diary, we learned that he was already in the process of having discussions about attacking our transportation infrastructure system.

At the heart of American infrastructure and fundamental to the success of our economy is clearly protecting our ports and our rail system. These systems have been known to be targeted in the past. All we have to think of is Madrid, London and Tokyo. Across the country, port and transit security forces are already stretched to the limit, and thanks to the substantial cuts that were already made via the end-of-the-year appropriations bill for fiscal year 2011, their jobs were made even more difficult as they were expected to do more with less. The same

is true for other important State and local grant programs, like the Metropolitan Medical Response System, which aids emergency medical first responders and interoperable communications grants that are so important to our first responders.

Finally, I also want to talk about the buffer zone grants that are available, which are important for people to understand. When you think ''buffer,'' you think maybe a sea area. Actually, they are regional assessments that are done to determine if critical infrastructure is properly protected. If it is not, those grants go out of that particular area to fix it.

Thus, while prioritizing and dedicating 25 percent of the funds to fund port and rail transit grants, medical response programs and emergency communication efforts, my amendment preserves the Secretary's flexibility to allocate funding as the committee had initially directed.

Therefore, I urge my colleagues to please withdraw their points of order, and I ask the Chair to find my amendments in order where they are not cutting other programs or adding to the deficit. I ask my colleagues to vote ''yes'' on this amendment and provide these key elements of national security the funding that they need.

I yield back the balance of my time.

POINT OF ORDER

Mr. CARTER. Mr. Chairman, I understand the gentlelady's argument, and I am sympathetic; but I must insist upon my point of order.

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

Mr. CARTER. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

''An appropriation . . . may not be in order as an amendment . . . , for an expenditure not previously authorized by law.''

Mr. Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing authorization in law rests with the proponent of the amendment. Finding that this burden has not been carried, the point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. RICHARDSON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 10, after ''Stonegarden'' insert '', $50,000,000 shall be for Interoperable Emergency Operations Grants,''.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

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

Ms. RICHARDSON. I thank the Chair for allowing me to explain my amendment to H.R. 2017. The Richardson amendment directs $50 million in funding for the Interoperable Emergency Communications Grant Program.

While the amendment is simple, it is important to keep in mind that being able to connect is a matter of life and death. In this information age, it seems inconceivable that this bill is suggesting that we would not invest in the technology to allow our first responders to communicate with one another.

How many lives would have been saved on 9/11 had New York firefighters and police officers been able to communicate? In Joplin, Missouri, and in Alabama, every day that passes without interoperable communications we put American lives at risk—those who are serving and those who are being served. Now is the time for this investment. We simply can't afford to delay.

My amendment will help ensure that public safety officials across the United States would have the resources needed to communicate with one another across jurisdictions and across disciplines, hence, being able to prevent the unnecessary loss of life and property in the event of a disaster whether it's natural or manmade. My amendment recognizes the immense importance of the Interoperable Emergency Communications Grant Program and the work that is still required to establish a nationwide infrastructure for reliable emergency communications.

Mr. Chairman, when I talk about interoperable equipment, I am looking to preserve that when we have a first responder who picks up a radio that he or she will be able to get in touch with the appropriate people to gain critical information when it matters the most. Throughout the United States, public safety agencies—law enforcement, firefighters, emergency technicians, public health officials, and others—often cannot communicate effectively with one another even within the same jurisdiction or with other public safety agencies at the Federal, State and local levels when responding to emergencies.

As the ranking member of the Subcommittee on Emergency Preparedness, Response, and Communications, I have worked tirelessly to ensure that our communities' first responders are equipped with the best possible equipment. Interoperable communications allow our Nation's first responders to communicate in realtime during an emergency. It has been well-documented, including in the 9/11 Commission Report, that the lack of sufficient handheld communications devices may have contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with firefighters prior to the collapse of the Twin Towers. Similarly, the lack of adequate equipment exacerbated the difficulties in evacuating people during Hurricane Katrina, where many could have been saved if effective communications equipment were available not only to public safety workers but to transit authorities and others who were involved in that evacuation. More recent national catastrophes, including the floods, tornadoes, tsunamis, and beyond, clearly continue to make that argument.

I ask of the chairman to find our amendment in order, and I urge my colleagues to join me in putting public safety first over politics and to support this amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. CARTER. Mr. Chairman, I must insist upon my point of order.

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

Mr. CARTER. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

''An appropriation . . . may not be in order as an amendment . . . , for an expenditure not previously authorized by law . . . ''

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized by law. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling of the Chair.

The Acting CHAIR. The Chair finds that the proponent of the amendment has not carried the burden of establishing that the appropriation in the amendment is specifically authorized by law.

The point of order is sustained.

□ 1930

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 18, after ''$1,000,000,000,'' insert ''and in addition $2,000,000,000 which is hereby transferred from unobligated amounts provided under the heading 'Afghanistan Security Forces Fund' under title IX of Public Law 112–10,''.

Mr. CLARKE of Michigan (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

The Acting CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. CLARKE of Michigan. Mr. Chair, this amendment provides $3 billion to the State and local Homeland Security grant program. The effect of this amendment would be to fully restore the funding of this program to fiscal year 2010 levels. We have got to do this. American families are at risk right now. They are at risk of having their homes and their businesses demolished, of being injured or even killed, either by a natural disaster as occurred in the past few weeks as a tornado swept across this country, or by a terrorist attack, which is more likely to come from within our borders.

So we need this funding to hire new firefighters, police officers, emergency medical providers and to properly equip them, and to provide the radio and communication systems that allow our first responders to communicate with their counterparts in other jurisdictions.

The problem is this: our local governments and our State governments don't have the money to fund homeland security investments. It is in part because this Congress chose not to effectively address the foreclosure crisis. The property values upon which our locals are depending to fund first responders have fallen so dramatically, they really don't have the resources to do this. It's up to us. This Congress, it is our duty to secure the safety of the American people.

My amendment will do so by taking a portion of the money, the billions of dollars we spend overseas in Afghanistan to provide that country's security. I say let's take a portion of that and redirect it back home to protect Americans right here in our country because it is American tax dollars in the first place.

Mr. Chair, I appreciate your support, and I urge this Committee to support this amendment.

I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I continue to reserve my point of order.

The Acting CHAIR. The gentleman continues to reserve his point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, in total, this bill provides $1.7 billion for Homeland Security first responder grants. Of that, the bill provides $1 billion for the Secretary to provide a program that addresses the highest need and risk. However, as we are all aware, not all programs are funded at the previous year's level.

Several issues drove these reductions. First, as of today, almost a decade after the establishment of DHS, there is no method of measuring what our Nation is receiving for the $38 billion investment in DHS grants. There are no metrics that indicate how much safer we are today or how much safer we will be if we provide additional funds. This lack of quantitative measurement is intolerable, particularly in today's tight economic times.

Second, grant recipients are not spending the funds that have been provided. Of the $38 billion provided for the first responder grants, $13 billion remained unspent. In these trying times, we cannot afford to leave funds sitting on the table when other programs need additional resources and the debt skyrockets.

These cuts will not be easy, but they are long overdue and necessary to address the out-of-control Federal spending. I urge my colleagues to oppose this amendment.

POINT OF ORDER

Mr. CARTER. I must insist upon my point of order.

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

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

This amendment constitutes a transfer not permitted under rule XXI.

I ask for a ruling from the Chair.

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

Mr. CLARKE of Michigan. I would like to address the point of order.

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

Mr. CLARKE of Michigan. Mr. Chair, what I heard is my amendment may not be in accordance with the rule; but I know one thing, it's in accordance with what we need in this country.

We need to take a share of that money that we are spending in Afghanistan to secure those people to secure our people here back home. That money that you say is not being spent, give it to me. The city of Detroit, we'll spend that money. We need the police officers, the firefighters, the emergency medical providers and radios to talk to each other.

The Acting CHAIR. The gentleman must confine his remarks to the point of order.

Mr. CLARKE of Michigan. I will do so, Mr. Chair, and to that end, I ask unanimous consent to withdraw my amendment and will offer separate legislation to protect the American people. We need to redirect that money from Afghanistan and bring it back home. Our people need it. It is our money in the first place.

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

There was no objection.

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chair, I offer an amendment.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, beginning at line 14, strike ''*Provided further*, That funds provided under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) shall only be provided to the top 10 highest risk urban areas:''.

Mr. CLARKE of Michigan (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

The Acting CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. CLARKE of Michigan. Mr. Chairman, what this amendment does is remove the restriction that the Urban Areas Security Initiative funding should be restricted to the top 10 urban areas by risk. You see, there are other metropolitan areas in this country that I believe are at similar or even higher risk of terrorist attack or damage through any other type of catastrophe.

The metro Detroit area is one of those. That area, the area that I represent, has the busiest border crossing in all of North America and has an international airport. It has a huge metropolitan population center. It has the world headquarters of General Motors. We are at high risk of an attack; but yet right now, according to the Homeland Security risk metrics, we are not rated in the top 10. We should be eligible for this funding, as well as other metropolitan areas.

Here's the point: even though bin Laden is now gone, we are still at risk of a terrorist attack in this country. But it is more than likely that terrorists will likely come from within the borders. So the first defense we have against terrorism or any other natural disaster is our first responders. We need more firefighters, more police officers, more emergency medical providers. They need to be properly trained and have the equipment, the radios and communication devices to communicate with each other.

The best way to protect our citizens, it is not spending it only overseas, all of our tax dollars, but investing it right here at home. This amendment will make sure that urban areas that are at high risk of an attack, such as metro Detroit, get the funds that they need.

The bottom line point is this: the reason we should step in and support our local units of government is because this Congress in the past did not effectively address the foreclosure crisis which has really robbed local units of government of their power to fund their first responders. The property values have dropped so low the money isn't even there.

I am asking Congress now: don't turn your back on this obligation to the

American people. Let's redirect money to the Homeland Security budget, to our first responders, our people there at the first line of defense against an attack from a terrorist or any type of natural disaster that could impact our people.

Mr. Chairman, I urge this committee's support for this amendment, and I yield back the balance of my time.

□ 1940

Mr. CARTER. Mr. Chairman, I withdraw my reservation on the point of order, and I rise in opposition to this amendment.

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

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

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

Additionally, as noted by the gentleman, the bill limits Urban Area Security Initiative grants to the top 10 highest cities. Again, this puts scarce dollars to where they are needed most. That means that cities like New York are funded at significantly higher levels than other cities because they are the highest-rent urban areas. I don't think anyone here can argue with that. This does not mean lower-risk areas will lose all funding. It just means that funds will come from other programs such as State homeland grants that are risk and formula based.

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

I yield back the balance of my time.

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

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

Mr. HIGGINS. Mr. Chairman, our amendment would enhance public safety in communities across the country by striking the provision in the bill that would limit participation in the Urban Area Security Initiative program to just 10 cities.

Homeland Security Secretary Napolitano has said that the architecture of homeland security begins in the homeland. The Urban Area Security Initiative program protects the hometown by allowing first responders and emergency officials to practice coordinating response scenarios across jurisdictional lines. Until recently, the program supported these crucial activities in 64 communities, including my own, judged by the Department of Homeland Security to be vulnerable to terrorist attack. That was until we decimated the program by cutting 20 percent of its funding in the continuing resolution.

Rather than allow all communities to suffer cuts proportionately, the Department made matters worse by deciding to eliminate half of the 64 communities from the program, including all four communities in upstate New York. Let us not make a third mistake this year by limiting participation in this important program to even fewer urban areas.

Mr. Chairman, my community of western New York includes four international bridge crossings and the busiest passenger crossing at the northern border; the largest electricity producer in New York State; and the homegrown al Qaeda terrorist cell, the Lackawanna Six. It sits along two Great Lakes which contain the largest freshwater supply in the world, and it is within a 500-mile radius of 55 percent of the American population and 62 percent of the Canadian population.

For 8 years the Department evaluated western New York to be a highly vulnerable area and thus eligible for the Urban Area Security Initiative. Now, this year the Department wants to eliminate us from the program, and this bill would codify that decision. Why? What has changed? We are still vulnerable, according to the Department's own assessment, and we will still need the resources to prevent and respond to attacks.

Mr. Chairman, this body should not prevent my community, or the other 54 communities the Department has judged to be vulnerable, from this essential Homeland Security program. I oppose this provision of the bill, and I urge adoption of our amendment.

Mr. Chairman, finally, I would like to thank the cosponsors of this amendment: Representatives BERKLEY, TONKO, ELLISON, MOORE, WASSERMAN SCHULTZ, CAPPS, SLAUGHTER, CUELLAR, FUDGE, and WILSON.

Now I would like to yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Thank you, Mr. HIGGINS.

Mr. Chairman, I rise in support of the Higgins amendment to eliminate a provision in this bill that would harm Las Vegas, Phoenix, Denver, Miami, Atlanta, Baltimore, Detroit, and dozens more cities around the country.

This bill before us would eliminate any funding for the Urban Area Security Initiative for all but the top 10 highest-risk urban areas, leaving over 50 U.S. cities off the list, including my own city of Las Vegas, one of the greatest tourist destinations in the world with over 37 million visitors a year.

For almost a decade, the UASI program has worked to help cities prevent and protect themselves from threats and acts of terrorism. Not too long ago, over 60 U.S. cities received funding to help them purchase equipment, develop recovery plans, and implement counterterrorism strategies.

In my home city of Las Vegas, for example, we've created the Southern Nevada Counter Terrorism Center, where 18 State, local, and Federal agencies all work together to detect and prevent terrorists and other homeland security-related events. This kind of fusion center is based on the recommendations of the 9/11 Commission to help law enforcement agencies communicate more effectively so they can put the pieces together that could prevent attacks. UASI funding has been an essential part of that center, and cutting off funding to that center now would put their excellent and possibly lifesaving work at risk.

Southern Nevada is home to Nellis Air Force Base and Hoover Dam and some of the largest hotels on the planet. We know that some of the 9/11 terrorists visited Las Vegas before the horrific attack on our Nation.

Mr. Chairman, after the capture and killing of Osama bin Laden, we also know that terrorists are increasingly focusing their interests on mid-sized cities rather than large cities. Many of those would now not be receiving Federal funding were this provision to become law. This is being done when the risk of retaliation by both homegrown terrorists and al Qaeda and al Qaeda affiliates is very high. I implore my colleagues not to leave some of America's greatest cities vulnerable and without the necessary funding to protect themselves.

At a time when States and local governments are struggling to balance their budgets, we need help more than ever to prevent and prepare against terrorist attacks. This provision would be salt to the wounds.

I urge support for this amendment.

The Acting CHAIR. The time of the gentleman from New York has expired.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

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

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment.

While I have serious misgivings about the funding levels for FEMA first responder grants, restoration of the Urban Area Security Initiative to its intended purpose is good policy. By limiting UASI recipients to the 10 highest-risk cities, Chairman ADERHOLT would ensure that UASI is focused on addressing the unique planning, equipment, and training needs of high-threat, high-density urban areas in order to prevent, respond to, and recover from acts of terrorism against the highest-risk American targets.

Originally distributed to seven metropolitan areas, UASI ballooned to 64 regions in FY10, many of which were neither high threat nor high density. By increasing the number of UASI recipients without additional funding,

this amendment would deplete resources for cities most at risk for terrorist attacks.

□ 1950

With intelligence about intent to attack the United States around the 10th anniversary of September 11—which is fast approaching—now is the time to focus our resources where they are most needed, not spread the wealth.

Every region, however—I want to make it clear to my colleague—every region is entitled to Federal security resources, and that's why the State Homeland Security Grant program provides funding to each State and territory. However, in addition, Congress has the responsibility to allocate funding to address unique needs, and UASI was intentionally designed to protect those densely populated areas most at risk.

The 9/11 Commission said it best, ''Federal Homeland Security assistance should not remain a program for general revenue sharing; it should supplement State and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.''

I want to make a couple of other points, and I urge my colleagues to oppose this amendment for the following reasons. For example, based on projections recently released by FEMA for FY 2011, New York State will receive more than $141 million in DHS funds separate from UASI. Buffalo will be one of five cities in New York to receive funding from the Metropolitan Medical Response System; that's $1.4 million for these cities. Further, Buffalo is scheduled to receive more than $1.4 million from the Port Security Grant program. In FY 2010, Erie County also received $940,000 from the Interoperable Emergency Communications Grant program, a program which I had a little bit to do to create. Lastly, the Robert Moses Power Plant was previously awarded a buffer zone protection grant in FY 2007, only 58 percent of which has been spent.

So I want to make it very clear—I can go on. Michigan got $21,468,166, and we have a whole list of what other cities have gotten and States because they deserve that money. Every State, region, and community is entitled to Federal resources for homeland security. However, UASI was a program that was not intended to spread the wealth among every region. And other DHS initiatives better address the needs of most areas of the country.

So I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

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

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

Mr. TONKO. Mr. Chairman, I rise in support of the amendment offered by my colleague regarding the Urban Area Security Initiative.

As New Yorkers, we know firsthand the absolutely critical role that our State and local police and firefighters play in preventing and responding to attacks on the American homeland. The Urban Area Security Initiative, or UASI, administered by the Department of Homeland Security, is a program focused on enhancing regional preparedness in high-risk areas by fostering better communication and collaboration amongst local fire responders. Given the struggles we have faced since the crisis on Wall Street, these are communities that increasingly cannot afford to provide their citizens—our citizens—with the same level of protection that UASI enables.

This bill, as written, arbitrarily restricts UASI to allow only 10 urban areas to be eligible for the program, and its funding, down from more than 60 in previous years. No one here today would argue that Manhattan and Los Angeles are undeserving of priority assistance. However, with this arbitrary cap, we will endanger the progress that many other high-risk urban areas have made to protect our citizens from attacks and crises. We will threaten the ability of these communities—including my community in upstate New York—to safeguard our citizens.

We are making these cuts at home while we pay hundreds of billions of dollars each year for our military-industrial complex to fight an incredibly expensive war in Afghanistan with the aim of preventing terror attacks in America. We are going to spend more than $12 billion this year to build up Afghan security forces while our own security forces in Albany and the Capital Region and 50 other cities across America are stripped of their funding under UASI. Is our strategic thinking that backwards, or is it just more lucrative to build a multibillion-dollar army halfway around the world than to help our police and firefighters here at home protect and defend our constituents?

I would propose to take $1 billion of that $12 billion and put it back into a deserving and necessary program like UASI, but according to the rules set by the Republican leadership, that is not allowed. So I stand here today in support of this amendment and in support of New York.

In my home district in upstate New York, the Albany Urban Area Working Group has used UASI grants to make great strides forward in boosting local cooperation and collaborative planning. This group unites participants from Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties around a common goal of protecting a region critical to the security of New York State and the stability of America.

From building a truly interoperable regional communications network to securing the Capital Region's critical infrastructure, the work of this group is absolutely vital to protecting the Empire State. Whether threatened by natural or manmade disasters, it is clear that New York is and should be at the top of our priority list to protect.

I represent New York's Capital Region, an area that bears tremendous economic and symbolic importance. Thirty-five million people live within a 200-mile radius of our State capital in Albany. Albany also houses New York's most vital State government facilities and more than 11,000 State government employees that keep the Empire State up and running. These functions are vital not only to our area, but also to our fellow New Yorkers downstate and across our State, and to Americans across this country who do business in, with, and through New York.

The Capital Region is also home to the third-fastest-growing hub for science and technology jobs in our Nation. That projected clustering, alongside high-profile research and development centers in our Tech Valley corridor, add to the vital importance of this region to an American economy that needs more leaders in innovation.

In Albany, we host the world-renowned Nanotechnology Research Center where 250 industry leaders partner with the United States Army to push us past the current bounds of science. In Schenectady, we host GE's renewable energy global headquarters. In Schoharie, our reservoir provides a significant portion of New York City's water supply. In Watervliet, we have a one-of-a-kind Army arsenal. And just a few miles away we host an atomic power laboratory doing world class R&D for the United States Naval Nuclear Propulsion program. Nearby in Malta is a facility that will soon be the most advanced chip fabrication plant in the world. The hometown heroes who protect all of these facilities and more will lose their funding through UASI entirely if this bill passes in its current form.

And so in support of New York's Capital Region and similar areas across this country, I stand in support of this amendment, this amendment that will remove an arbitrary 10-city restriction on the UASI program from this bill, this amendment, that will not add $1 to the debt or deficit, this amendment that will not cost us one single dollar but rather will provide us a commonsense approach.

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

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

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

Mr. STIVERS. Mr. Chairman, I rise to support the amendment offered by the gentleman from Michigan (Mr. CLARKE).

I represent Columbus, Ohio, which in the past has been one of the Tier II cities that has received Urban Security Initiative funds. The current version of this bill would restrict Urban Security Initiative funds to only Tier I cities, which would be the top 10 riskiest cities. The problem is the risks don't stop

at number 10, and it's not clear that there is any significant reduction in risk between the tenth-riskiest city and the 11th-riskiest city. This is an arbitrary decision, and the Clarke amendment ends the arbitrary 10-city restriction and allows the Department of Homeland Security to have discretion in funding risks. It does not increase funding one cent.

I urge adoption of the Clarke amendment. And I would just like to make it clear that the whole point of this amendment is to remove an arbitrary restriction and give the Department of Homeland Security the ability to fund where the risks are. This amendment does not add a dime to the cost. It increases flexibility. And it won't necessarily cost cities like New York or any other city any funds. All it does is allow cities to be eligible so that if there is real risk there and the Department of Homeland Security chooses to fund that city, then they can fund it. So it's a commonsense approach.

I ask my colleagues to support the Clarke approach.

I yield back the balance of my time.

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

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

Ms. MATSUI. Mr. Chairman, I rise today in support of the amendment offered by my colleague regarding UASI.

This amendment will better ensure that all cities and localities will be eligible for critical UASI funding, not just those under the arbitrary caps that are in the underlying bill.

UASI funding is critical to my district of Sacramento, California, and a number of other major American cities. It has helped create and develop one of the Nation's foremost counterterrorism and readiness task forces located at the former McClellan Air Force Base in my district. This facility has greatly enhanced the collaboration and communication amongst local, State, and Federal law enforcement agencies and first responders. From there, officials are better able to prevent attacks by training, sharing information, and coordinating investigations. And in the unthinkable scenario in which an attack does occur, this facility, funded by UASI dollars, will better able the region's law enforcement and first responders to react and respond to an attack.

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 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1745. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2010-0938; FRL-8872-6] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1746. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-1009; FRL-8873-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1747. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-0755; FRL-8872-7] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1748. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2011 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

1749. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1750. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Rules of the Armed Services Board of Contract Appeals, received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1751. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Consumer Leasing [Regulation M; Docket No.: R-1400] (RIN: No. 7100-AD60) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1752. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No.: R-1399] (RIN: No. 7100-AD59) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1753. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the 2010 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications and Corrections to the EAR [Docket No.: 110106012-1013-01] (RIN: 0694-AF04) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1754. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1181] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1755. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1191] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1756. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of North Dakota since April 5, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

1757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Large Appliance Coatings [EPA-R03-OAR-2011-0142; FRL-9304-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of the Significant New Uses of 2-Propen-1-one, 1-(4-morpholinyl)— [EPA-HQ-OPPT-2009-0669; FRL-8871-5] (RIN: 2070-AB27) received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1759. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board — Consumer Products [EPA-R09-2010-0906; FRL-9278-9] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1760. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Modifications; Submission Period Suspension [EPA-HQ-OPPT-2009-0187; FRL-8874-2] (RIN: 2070-AJ43) received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Notification of the intention to excercise the authority under Section 552(c)(2) of the Foreign Assistance Act of 1961, to authorize the drawdown to support efforts to protect civilians and civilian-populated areas under threat of attack in Libya; to the Committee on Foreign Affairs.

1762. A communication from the President of the United States, transmitting a letter regarding the United States involvement in Libya; to the Committee on Foreign Affairs.

1763. A letter from the Secretary, Department of Labor, transmitting pursuant to