Agencies Appropriations Act. According to the DEA, 33.3 kilograms of methamphetamine were seized in my home State of Nebraska in 2006. For this reason, I would like to commend the leadership and Appropriations Committee for including $85 million in funding for grant projects to address the manufacture, sale and use of methamphetamine. However, we must send a stronger message to those who are smuggling and distributing the drug, which is why I have introduced the Methamphetamine Kingpin Elimination Act of 2007.

The number of methamphetamine labs in the U.S. has declined since Congress enacted the Combat Methamphetamine Epidemic Act last year to restrict the sale of pseudoephedrine, the key ingredient in methamphetamine. Unfortunately, a reverse trend has occurred south of our border.

Mexico is the largest foreign supplier of methamphetamine destined for the U.S. It is estimated that as much as 80 percent of the methamphetamine on U.S. streets comes from Mexico. Unlike the small U.S. kitchen labs, Mexican drug cartels are creating superlabs, which produce huge quantities of cheap methamphetamine and then smuggle it north to U.S. users.

Mr. Speaker, it is time we stop this flood of methamphetamine coming across our border.

The ''Meth Kingpin Elimination Act of 2007,'' increases penalties for meth kingpins. The bill also authorizes $20 million for multi-jurisdictional methamphetamine task forces.

Meth devastates not only those who abuse the drug, but their families and their communities as well. The drug has a phenomenal rate of addiction, with some experts saying users often get hooked after just one use. Recent studies have demonstrated that methamphetamine causes more damage to the brain than heroin, alcohol, or cocaine.

Mr. Speaker, I ask you to join me in keeping this destructive drug off America's streets and ensuring that meth kingpins and traffickers receive harsher penalties.

Mr. Speaker, we must work together to address this severe problem.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 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. 3093.

□ 1032

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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 25, 2007, the amendment by the gentleman from New York (Mr. HINCHEY) had been disposed of and the bill had been read through page 85, line 24.

AMENDMENT NO. 1 OFFERED BY MR. STEARNS

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

The Clerk read as follows:

Amendment No. 1 offered by Mr. STEARNS: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Equal Employment Opportunity Commission may be used for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English.

Mr. STEARNS. Mr. Chairman, as mentioned, the EEOC, which is the U.S. Equal Employment Opportunity Commission, has accused the Salvation Army of allegedly discriminating against two of their employees in a Boston area thrift store for requiring them to speak English on the job.

Mr. Chairman, the amendment would prevent the EEOC from using any appropriated funds to initiate a civil action or file a motion in any courts on the grounds that the organization, in this case the Salvation Army, requires an employee to speak English while engaged in work.

The question I have is, how do you discriminate against a person who speaks English on the job? This amendment was prompted by this lawsuit filed in April by the EEOC against the Salvation Army, which has helped thousands of people in countries all over the world. Can't you hire people today who speak English? The two employees were given 1 year to learn English in order to speak the language you and I are speaking in the House today and the language spoken by our coworkers; however, these folks failed to try to learn even some basic English and were fired.

Even though the Salvation Army clearly posted the rule and gave the two employees a year to learn English, the EEOC lawyers filed a lawsuit seeking hundreds of thousands of dollars in monetary damages to compensate the employees for ''the emotional pain, suffering and inconvenience'' they suffered by being asked to speak English to the best of their ability while on the job.

In 2003, a Federal judge in Boston upheld the Salvation Army's policy requiring workers to speak English while on the job. However, the EEOC did not like this ruling, so they are continuing to harass the Salvation Army.

Now, the Salvation Army, as we all know, is a Christian evangelical organization whose sole mission is to help the downtrodden, the blind, the sick and anyone else in need. Their personnel standing on cold street corners during Christmastime is something to behold, ringing a bell on behalf of the poor. They collect and sell donated clothes and household items in their thrift stores to raise money for the poor, operate soup kitchens, and hire people that no one else will.

Since 1865, this organization has lived by Christ's teaching that as we do unto the least of our people, we do unto the Lord. Now this organization is in trouble for insisting its employees learn to speak English in order to better serve these lofty goals. Remember, the Salvation Army was trying to help their employees by encouraging them to simply learn the English language.

EEOC has crossed the line in its overzealous pursuit of companies that require English in the workplace. Only Congress can bring this organization back to its intended mission. If we don't, the continued proliferation of English-related lawsuits will cause employers facing close hiring decisions to hire defensively, to the detriment of new immigrants with marginal English proficiency. While the children of immigrants typically learn English in our school system, adult immigrants are most likely to learn or improve language skills for work-related reasons often through programs that are simply hosted by the employers themselves.

This arrangement is ordinarily a win-win situation. The immigrant is encouraged to gain a full knowledge skill that improves his work efforts and civic engagement, and the employer benefits from having employees that can communicate with one another. So the EEOC's policy takes a mutually beneficial situation and injects the constant fear of litigation on employers. Most importantly, since the EEOC's funds are fungible, every dollar it uses to pursue these cases is a dollar not being spent on pursuing the kind of discrimination that the EEOC was originally created to combat.

These are our tax dollars, my colleagues, yours and mine, paying the salaries of the EEOC lawyers, who file endless lawsuits, while the Salvation Army must use its own funds, funds that would be better used helping the poor, instead of hiring more attorneys to fight these kinds of cases in court. The EEOC should instead focus its limited resources on the current backlog of 54,265 complaints, instead of wasting time and taxpayer money on policies that serve to achieve unity in our country.

I encourage my colleagues to support this amendment and help protect the charities like the Salvation Army.

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

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I think everybody ought to speak English in this country, and I think we ought to have

policies that encourage it. What I don't believe is I don't believe that the Congress of the United States has any business whatsoever predeciding a court case, and when the Congress ahead of time tells the EEOC that they cannot even bring a suit, that means that Congress is substituting political judgment for legal judgment on an issue that ought to be decided in a court of law.

Congress has the right to pass legislation saying whatever it wants about immigration and about who is going to get Federal aid, things like that. But it is dead wrong, it is wrong morally, it is wrong constitutionally, for the Congress to prejudge what the outcome of a court case is going to be. And if they deny funds to the Equal Employment Opportunity Agency in this government, the agency that is supposed to enforce civil rights laws, if they deny funds to that agency on a hit-or-miss basis based on what can get a majority on this House floor, God help us all.

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

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

The CHAIRMAN. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I do rise in support of the Stearns-Blackburn amendment to protest the actions of a rogue government agency that really is out of control, and I thank Mr. STEARNS for his good work and his good efforts on this with us.

The EEOC, as we have heard, it is taxpayer funded, and it is tasked with eradicating discrimination in the workplace. Now, unfortunately, the organization's actions are speaking louder than their words, and certainly they are not in step with the mission that they are instructed to meet. What we see is an agency that is waging war against private employers who have English-speaking policies and English-only language policies in their workplace and with their workforce.

Now, as my colleague from Florida has said, the situation we have discussed is in 2004, we had two employees from a Massachusetts Salvation Army Thrift Store. They were instructed to learn English within 1 year to comply with that organization's English-only language policy on the job. The employees refused to comply or even to make a good-faith effort. I think that everyone would like to see them make a good-faith effort to learn the language. And they were summarily dismissed in December of 2005. So they had that full year.

Interestingly enough, the two employees were able to navigate their way through the bureaucratic system and get the EEOC to file a discrimination lawsuit against the Salvation Army in April 2007, despite their limited command of the English language. The turn of events would be laughable if it were not true, and if the consequences were not as grave as they are.

Yet, in 2006 alone, roughly 200 charges were filed alleging discrimination due to English-language-only policies in different workplaces. This explosion of claims against workplace English is a 612 percent increase since 1996.

Mr. Chairman, I think that is one of the things that is of concern to us; 612 percent. That is the increase in these claims against American small businesses, against the businesses that are employing our citizens. We have gone from 32 cases in 1996 to 228 in 2002, according to the EEOC alone, and what we see is those misplaced priorities of the EEOC.

As my colleague previously mentioned, the U.S. Equal Employment Opportunity Commission has a backlog of 45,265 cases right now. They expect that that backlog will grow to 67,108 complaints in fiscal year 2008.

Mr. Chairman, it does not take an organizational genius to figure this out. What we see is people are not getting their workload done. What we see is the EEOC is putting their energy on something that they don't need to be putting it on, and they have those misplaced priorities, so therefore the items that they are supposed to be addressing in order to meet their mission are languishing in their in-box. They are never getting around to addressing those files. So those are continuing to pile up.

What we see is that they should be taking their resources; they have plenty of employees, they have plenty of funds. This is not an issue of them having more money or more resources. This is an issue of them putting their work and making their priorities where they need to be, of addressing these problems, kind of getting their nose to the grindstone, if you will, and getting in behind those cases and getting them done not over here suing U.S. small businesses that are employing our citizens, not over here suing the mom-and-pops who have the right, because they are signing the paycheck, they are paying the payroll taxes, they establish their workplace policies.

□ 1045

And they have the right to say we would like you to learn English. We should be incentivizing them to insist on having those employees learn English so that they better communicate with their employer and so they know how to communicate and they are learning by that interaction with those customers.

We know so well, those of us who have so many small businesses in our districts, many of these small businesses see these people as true friends.

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

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the policy that this amendment addresses is obviously authorizing the policy that the EEOC has followed in this area through Democratic and Republican administrations. They have had a consistent position on the employer English-only policies throughout both Democratic and Republican administrations. This amendment would undermine that long standing policy. If the gentlelady and the gentleman want to change that, they ought to take it to the authorizing committee where they can have hearings and have a full-blown discussion, rather than trying to change this policy that has been in place for a long period of time, through both Democratic and Republican administrations. The amendment should be opposed.

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

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

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in support of the Stearns amendment. In the interest of transparency, for a dozen years I was on the board of the Morristown Salvation Army in New Jersey, and anybody who has been associated with this organization knows that they work in the trenches for the poorest of the poor. They do a remarkable job, and they work with those that are English speakers as well as those who would not speak English.

It seems to me that the EEOC has been somewhat shopping for another venue here, while the Salvation Army, I think, is truly doing the Lord's work. And for them to expend, as apparently they have, tens of thousands of dollars in some sort of a lawsuit as a result of this EEOC litigation, I think quite honestly is an absolute travesty.

I am pleased to yield to the gentleman from Florida (Mr. STEARNS), the sponsor of the amendment, and I commend him and others for supporting this amendment.

Mr. STEARNS. I thank the distinguished chairman, and let me answer some of the criticism from that side of the aisle.

The gentleman from West Virginia (Mr. MOLLOHAN) talked about that this is not a recent problem, that all administrations before with regard to the EEOC have been following this pattern, and that is not true. The gentlelady from Tennessee pointed out there has been a 612 percent increase since 1996. In fact, there has been a large increase just recently. So this is not something that has been going on for the past 40 years; it is a more recent phenomenon.

So we here in Congress should realize that we have every right to prejudge. We have three equal branches of government. We have the executive, judicial and the legislative or Congress. We have the right to say to the EEOC, which is a government agency, the priorities you are establishing are wrong. I mean, as I pointed out earlier, this particular agency has a 54,000-case backlog, and it looks like it is going to

go to 64,000. It is going to be a 10,000-case increase.

Should they be spending all of their time trying to intimidate employers? Employers simply want to hire employees that speak English. Are the employees going to be so scared that when they hire this employee they are going to be sued by the EEOC because they are saying to the employee, ''We think it will be helpful for you to speak English to our customers''?

But as the Salvation Army did, they said, We will send you to a class for 1 year and you can learn English. So we will hire you, let you be trained, and hopefully after a year you will be conversant in English. These people didn't follow through and didn't even go to the classes. So what did the Salvation Army do, they simply said, We will have to fire you.

They talked to them, they counseled them, and then they said, We will have to let you go because you are not speaking English proficiently enough so that our customers can understand you, and we are an organization that simply has a mission to help and serve people, and we can't communicate with these people because you cannot speak English. So please go to this class that we are going to pay for and help you with this training. These people would not go, and so they were fired.

So now the EEOC lawyers are saying to its agency this case is of the highest priority. We are going to forget these 54,000 cases backlogged in America, and we are going to go after the Salvation Army.

''God help us'' is the words that Mr. OBEY used. I say God help us if employers in this country cannot hire employees who speak English. We have every right to judge. This is not morally wrong, as Mr. OBEY said, or constitutionally wrong. This is simply Congress saying set your priorities EEOC. Let the employers hire people who speak English. And we support the concept of what the EEOC is trying to do, to enact civil legislation against people who are discriminated against in the workplace. We understand that. We accept that. But this is a case of priorities. This is a case where Congress has every right as an equal branch to say this is wrong. I commend the chairman from New Jersey for his support.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the Lobster Institute at the University of Maine in Orono, Maine.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' is hereby reduced by $200,000.

Mr. FLAKE. Mr. Chairman, this amendment would strike funding for the Lobster Institute at the University of Maine. We will be debating later today subsidies for corn, cotton, rice and sugar. This is about subsidizing lobsters. I frankly think we subsidize corn, cotton and sugar far too much, but lobster subsidies seem to be out of line as well.

I think taxpayers are already feeling the pinch, if you will, with high gas prices and huge deficits, and all of the other things that they are asked to pay for. But providing hard-earned taxpayer dollars to the lobster industry should make Members of this body a little red in the face.

According to the bill, the New England lobster industry will be receiving $200,000 in Federal taxpayer dollars. The certification letter does not offer much in explanation of what it would be used for except to provide resources for the New England lobster industry. What kind of resources, I think we are justified in asking. This is a private industry that makes millions and millions of dollars annually. What possible support should the Federal taxpayer be offering to this particular industry?

Again, this is one area where Congress, through earmarking, is circumventing the regular process that we typically go through. It is a process that I don't like very much. I don't think we ought to be providing funding to the Federal agencies to give subsidies this way either. But there are programs at the Federal agencies, programs that are usually open to competitive bidding where people will submit grant proposals. But through earmarking like this, we circumvent that process and we say we know better what we're going to give what amounts to. It seems like a no-bid contract to a particular industry or business or group of industries.

So I would think that this simply isn't the way to go. I would submit that no amount of drawn butter can make this kind of subsidy taste any better. We simply shouldn't be doing this kind of thing. We need to get rid of these kinds of earmarks, again, when we know so very little about what it will go to. We are just told it will provide resources for the New England lobster industry. This is an industry, like some of the others we will be discussing later today, that do quite well on their own. They make millions and millions of dollars. What possible justification can we have for using Federal taxpayer dollars to subsidize or to support an industry like this?

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

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

The CHAIRMAN. The gentleman from Maine is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. FLAKE. This amendment would strike funding for the Lobster Institute CORE Initiative for the University of Maine, a program vital to the continuation of the lobster industry.

I will say a few words in a moment about the importance of the lobster industry, not just to Maine, but to New England and to the entire Northeast, but I want to go straight to this particular program.

The Lobster Institute's CORE Initiative provides for conservation, outreach, research and education in order to sustain the lobster. This is one of the most successfully managed fisheries along the Atlantic coast. When you look at this from the point of view of the private sector, this is not a case of a big corporate fishery. The lobster industry is primarily a small fishery with individual lobstermen who cannot possibly afford to do the research on the scale that this institute does. I would say that the institute is funded primarily by contributions from the industry itself, some people who are contributing to the research, and through private donations by the Friends of the Lobster Institute.

But fundamentally, this kind of research done by our land grant universities is absolutely essential. The University of Maine does work on wild blueberries. It does work on potatoes. The industry itself could not possibly sustain industrywide research because those industries, like the lobster industry, are made up primarily of small businessmen and -women.

Frankly, it is exactly this kind of public-private partnership that makes our economy stronger than it ever could be without this support.

Let me give you some examples. The CORE program aims to establish a unified logical progression of research to address lobster health, stock assessment and environmental monitoring issues. For example, in southern New England, we have some very serious disease issues with some lobsters. We have to be able to track those diseases and make sure that we understand what is going on.

The program will also develop infrastructure to support lobster health and habitat research.

□ 1100

The information that is gathered by the institute is communicated to the public in many ways. Outreach education conducted by faculty, students and industry members, as well as conferences, seminars and workshops

throughout the region spreads information developed by the institute. The institute is also home to a lobster library which holds nearly 2,000 journal articles, research reports and informational pamphlets.

Basically, what we're saying is that one of the reasons the lobster industry is one of the most successfully managed fisheries in the Northeast is precisely because of this research. And some Federal contribution, a small contribution, $200,000 is what's at stake here, is the linchpin that holds this organization together.

A few final concluding comments. The private sector, which is supported by this research institute, includes jobs for 8,000 fishermen and countless other jobs for additional businesses such as dealers, distributors, boat builders, marine suppliers and a variety of tourism-related businesses.

Throughout the Nation, the lobster industry has an economic impact of somewhere between $2.4- and $4 billion a year, with 10,000 commercial lobster licenses issued each year. It's ranked, American lobster, I would say Maine lobster, but, you know, who's quarrelling here, American lobster is ranked third on the U.S. seafood export list, proving that it's essential to our economy.

In Maine, we have 5,800 licensed lobstermen, and the catch from Maine lobstermen makes up approximately 70 percent of all U.S. landings.

I would just say in conclusion, this may seem like a small amount of money to a small research institute, but it holds together a private industry of great economic importance not just to Maine, but to the Northeast and to all of our oceans-related industries.

That's why I strenuously object to this amendment. I urge its defeat.

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

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

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to support the gentleman from Maine's program. This funding supports scientific staff who monitor the health of Maine lobster fisheries, a crucial industry in his area and a crucial resource for the whole country.

The funding provides infrastructure to improve science research efforts in this regard. Funding is crucial to understanding the health of the lobster fishery industry, and he stresses that in his remarks.

This amendment is supported by the subcommittee. It's a good earmark, it's a good project, and this Member has concluded that it's essential in his area and to support this very important industry in his area. The subcommittee strongly supports this Member's project in this regard.

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

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment, but certainly know where his heart is because he's been diligent and persistent.

The directed spending included in our committee's report augments and, in some cases, enhances the administration's own earmarks with congressional priorities, which is entirely appropriate. Funding recommendations included in our report were made in full compliance with the applicable rules and procedures of the House. So there's total transparency.

On a bipartisan basis, I've worked with Chairman MOLLOHAN in reviewing all of the requests before the Commerce, Justice and Science Subcommittee, all of the Member requests, and we recommend funding for this and other projects which people will try to take out.

We believe these projects have merit, and what's most appropriate is that Members are willing to come to the floor to defend their projects, and that's necessary because we need to hear from them as to their merit. They know their States, and they know their districts, and that's why we're supporting this process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for meteorological equipment at Valparaiso University in Valparaiso, Indiana.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' is hereby reduced by $720,000.

Mr. FLAKE. Mr. Chairman, this is a rather large earmark, $720,000. It's for Federal funding for meteorological equipment at Valparaiso University in Valparaiso, Indiana.

Growing up, I was told the best way to tell the weather was to stick your arm out the window of the vehicle as we were going down a farm road. This seems to me to be Congress's way of sticking their arm into taxpayers' back pocket and getting their wallet.

The earmark description in the certification letter submitted said the earmark would fund the equipment as a teaching tool for the university's meteorology department and provide weather information to entities in northwestern Indiana and surrounding areas.

This university is a coed, 4-year, private university located, as I said, in northwestern Indiana. It's ranked by the U.S. News and World Report as one of the top universities in the Midwest. Its endowment is in excess of $143 million.

Again, why do we fund earmarks for institutions that are as flush as this one? Why do we dole out any Federal money to any private institution such as this, with a generous endowment already there?

When we approve earmarks like this, we as an institution are bypassing the competitive grant process that already exists for funding educational and research institutions.

In 1950, the National Science Foundation, an independent Federal agency, was created by legislation with the intent of promoting the progress of science and advancing national health and welfare by supporting research and education in all fields of science and engineering.

In the past, the Federal Government has awarded more than $400 billion in the form of competitive grants; $400 billion has been given out by the NSF over the years. This agency was created with a specific purpose of giving out grants like this.

Over the course of this year, the Division of Atmospheric Sciences, an office within NSF, has awarded more than $2 million to fund research for meteorological experiments. Federal funding exists for the sponsor's earmark. This grant process should be respected.

Again, we are going outside of the process. There's a process that we have established, that we have caused to be established in the Federal agencies to give out money in this regard, and here we're saying, well, we're not going to go through that. Perhaps this university, I don't know, perhaps it applied for a grant and didn't get it. Perhaps it has received other grants, I just don't know, but what I do know is we are giving what amounts to a no-bid contract where one member of the Appropriations Committee is going to say, I'm going to designate or earmark money for this institution and bypass the process that we have set in place. And I just don't think that's right.

If we don't like the process that's been established, let's change it. Let's tell the Federal agencies, you need to have a broader pool, you need to give more grants out to small colleges, you need to do this, you need to do that, but let's establish a process and then follow it rather than circumvent it. And this, I see, is circumventing the process.

This bill, the underlying bill today, funds the National Science Foundation at a level of more than $6 billion. What is the purpose of funding an agency like this and telling that agency to

give out grants on a competitive basis if we're going to go around it and give out our own grants from Congress? It just doesn't seem right.

I urge my colleagues to support the amendment.

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

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

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition, and I rise in opposition to the gentleman's amendment to strike funds in this bill for the meteorological equipment for Valparaiso University.

I first want to thank the chairman of the subcommittee Mr. MOLLOHAN, as well as the ranking member Mr. FRELINGHUYSEN, for their consideration of this important project.

Mr. Chairman, this earmark is relative to two issues. The first is the safety of people who live throughout the Upper Midwest.

A key element to strengthening Valparaiso's meteorology program, as the gentleman from Arizona is correct that Valparaiso is an exceptional university, is the acquisition of Doppler radar. Doppler radar at VU will be very beneficial to the millions of people living along the southern shore of Lake Michigan because that area is currently underserved by pinpoint weather forecasting. In addition to Doppler radar, VU will begin daily weather balloon launches. As the only balloon site in Indiana, Valparaiso University will supply critical data to the meteorological community.

The notoriously unpredictable weather conditions in this area, lake-effect snow in the winter and severe thunderstorms and tornados in the spring and summer months, make the presence of Doppler radar and data gathered from the balloon station critically important to the region.

The amendment also deals with the issue of strengthening our future by investing in science and the young people in our Nation. The global economy is nothing if not competitive, and in order for the United States to remain at the forefront of scientific innovation, we must work with our universities to develop and maintain world-class scientific programs.

Valparaiso is currently home to a nationally ranked meteorological program, and we must leverage this resource to advance our national scientific interests, and I believe the university is well positioned to use the funds to continue to be a national and global leader in this field.

The procurement of the latest industry standard equipment by VU's meteorological program is also vital to helping students become familiar with the technology they will encounter after graduation as they go on to pursue careers that include the Air Force, NASA and the National Science Foundation. The purchase of new equipment will enable Valparaiso students to conduct more undergraduate research, as they will have access to a greater variety of data and the ability to archive it.

I strongly oppose the gentleman's amendment, and again thank the Chair and ranking member.

Mr. Chairman, I will yield back my time.

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

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. First of all, let me compliment the gentleman from Indiana on his project. We are here arguing, debating, describing, justifying, and questioning the merits of this particular project. However you want to describe it, the gentleman who offers the amendment, his basis of offering these amendments is, on the one hand, that we shouldn't be doing this. We talk about that on almost every amendment, the fact that indeed it is the job of the United States Congress and particularly the House of Representatives in the first instance under Article I of the Constitution to do just exactly this. This is our job. This is what we do—we provide funding for the United States of America.

The gentleman, I'm paraphrasing, said one Member of the body or of the Appropriations Committee or one Member of the Congress brings a project forward. Well, there's nobody in the Congress who would bring a project forward for this gentleman's congressional district if it were not this gentleman.

And then we get to the merits of the particular project. This one seems eminently justifiable; funding for equipment to train young people in forecasting. If you believe in government participation in education, that's what we do, and this is how we can empower this institution, this educational institution, so that they can bring excellent training for weather forecasting, which I think we all have to stipulate is extremely important for the Midwest in light of the kind of weather conditions they have.

So let me compliment the gentleman from Indiana for his project, and for bringing it to us. We have looked at it carefully, and perhaps we should say thank you to the gentleman who raises the amendment for giving the gentleman from Indiana an opportunity to stand up and discuss and describe his amendment for us and for his constituency.

□ 1115

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

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

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield to the gentleman from Arizona, let me associate myself with the remarks of Chairman MOLLOHAN.

I have every confidence, and even more so, from hearing from the gentleman from Indiana, that this project has merit. He has had the opportunity to expand on what we saw in a digested form, and I think he has made a strong case for this project. He is willing to put his name on the project, which means his integrity is backing that project.

I salute him for what he is doing. I oppose the amendment.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Let me simply say that it's often said through earmarking we are simply asserting our right and the responsibility we have as Members of Congress under article 1. Under article 1, we certainly have the power of the purse.

The problem is, I think the contemporary practice of earmarking, when you bring a bill to the floor that has over 1,500 earmarks, you diminish that responsibility that you have, because we go around or circumvent the careful process of authorization, appropriation, and oversight that is a time-honored practice and hallmark of this institution. When we earmark, we get away from that and not enhance it. That's the reason for bringing these amendments forward.

Mr. FRELINGHUYSEN. Reclaiming my time, and just for the record, the bill has approximately 1,100 earmarks, which is about one-fourth of what we had last year. We are, indeed, making some progress in reducing the number.

In any case, Members come forward to defend their earmarks, which I think is entirely appropriate. There is far more transparency, far less in the way of earmarks. I think the process has been vastly improved.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used for the National Textile Centers.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for the National Textile Center. The earmark description in the various certification letters submitted to the committee by various sponsors, and this is one that is sponsored by a number of Members, I understand, says that the earmark will fund the development of a National Textile Center; specifically, the funds will be used to conduct research and development and improve technologies.

The Web site for the National Textile Center states that it is a consortium of eight universities, Auburn, Clemson, Cornell, Georgia Institute of Technology, North Carolina State University, University of California Davis, University of Massachusetts Dartmouth and Philadelphia University, that share human resources, equipment and facilities. This consortium serves the U.S. fiber-textile-retail complex industries.

It's not at all clear what amount this program is to be funded. The committee report language says funding for two textile-related programs, but the proposed funding amount is nowhere to be found in the text of the bill or the committee report.

The manager's amendment recommended that the U.S. foreign and commercial service account be increased by $5 million to $245,720,000 in order to fund ''two textile-related programs.'' We can only infer that this increase will fund this program and another program, but there is no way for us to be certain. Inquiries made to the relevant subcommittee failed to clarify the matter.

Members of Congress as stewards of the taxpayer's dollars, as stewards, need and deserve more information to make informed decisions.

Beyond the transparency issues here, I simply don't agree here, again, with this picking winners and losers here. I understand the textile industry has undergone great transformation with jobs, a lot of jobs going overseas. There is great difficulty there. I don't minimize that. That is true with a lot of industries.

In my district and elsewhere, a lot of people would like to receive funding to help their industries transition. We simply can't do it everywhere.

Some Internet searching on the National Textile Center indicated the center already exists and has received generous funding in the past. A press release from the center touted that more than $9 million in Federal funds were received in 2001. That, again, is a little confusing when we are told that this will fund the development of a national textile center that seems to already exist.

But anyway, again, here, this is an example of a program we have over the Department of Commerce that we have used that funds programs like this. I simply don't see the need to earmark additional funds to supplant or to replace or to augment funds that have already been appropriated and for which there is a process that has been established for competitive grants to be given.

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

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I am joined by 11 colleagues from North Carolina, as well as colleagues from several other States, in requesting fiscal year 2008 funding for the National Textile Center. I want to say to the gentleman introducing this amendment that if there is, in fact, any lack of transparency or any confusion about our intent, I would be happy to clear that up.

We do indeed intend for this funding to go to the National Textile Center, which has been established, as the gentleman acknowledged, for a number of years. In fact, it has received funding since fiscal year 1992. It is a center that involves a number of universities and has expanded since that time. And it's a center that has a well-established track record.

The National Textile Center is just what the name suggests. It's a national program for a national industry that affects our national competitiveness. There is a consortium of eight leading research universities that participate: Auburn, Clemson, Cornell, Georgia Tech, North Carolina State, Philadelphia University, University of California Davis, and University of Massachusetts Dartmouth.

Now, any of us from North Carolina or other traditional textile-producing States are all too accustomed to news of textile operations closing their doors. Some may be shortsighted enough to suggest that the textile industry is unworthy of investment, given the loss of manufacturing jobs over the past decade.

I and my colleagues come to exactly the opposite conclusion. The textile industry is a major player still, and will continue to be a major player in the U.S. economy. It employs 600,000 workers nationwide, and it contributes almost $60 billion to the national GDP.

It's true that many lower-skilled and lower-paid jobs have left our States, but the domestic textile industry is undergoing a remarkable transformation. The research provided by the National Textile Center is an initial factor in that transformation. It's helping advance the industry in new directions, providing new, higher-paying jobs, increasing U.S. competitiveness in the process.

As the chairman of the Appropriations Subcommittee on Homeland Security, I know firsthand about the new fabrics and fibers that are protecting our first responders in new and threatening situations. That's just one example. The suits worn in this Chamber, the next generation of suspension bridges—there is a long list of products and technologies that this research consortium is going to help shape.

The new textile products and the processes created by this research are valued at three times the Federal investment to date, so it's certainly not the time to pull the rug out from under these vital projects.

Mr. Chairman, the National Textile Center is needed by a national industry. The National Textile Center is wanted and welcomed by the Department of Commerce. And the National Textile Center was requested by more Members than any other project in this bill. It's a worthy recipient of Federal funding, and I urge defeat of the amendment.

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

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

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

Mr. COBLE. Mr. Chairman, when it comes to earmarks, it's easy for me to embrace my earmark as good government and reject your earmark as wasteful pork. By the same token, it's easy for you all to embrace your respective earmarks as good government and reject mine as useless, wasteless pork. That probably amounts to hypocrisy, but it is nonetheless a political fact of life.

Now, when you talk about the textile industry, I become very subjectively involved. My late momma was a machine operator in a hosiery mill. She later worked for the Blue Bell Corporation, which was the predecessor to the Wrangler and the VF Corporation. Her job was to sew pockets on overalls, a tedious, demanding job, before the days of air conditioning, I might add. So when people gang up on the textile industry, they are ganging up on my momma. It bothers me.

We could talk all day here. Many of my friends from North Carolina, we represent what was recognized as the buckle of the textile belt. It's a beleaguered industry, and we don't need to be piling on at this juncture.

My friend from North Carolina (Mr. PRICE) has already suggested the significance, but let me repeat it.

The National Textile Center, NTC, and the Textile/Clothing Technology Corporation, [TC]2, play a critical role in helping the U.S. textile and apparel industry, which currently employs over 600,000 workers nationwide and contributes nearly $60 billion to the Nation's gross national product on an annual basis to compete with textile manufacturers in other countries.

It should also be noted that the industry is a primary supplier of employment to women and minority workers, with many of these jobs located in depressed and rural areas as well as major inner cities.

The NTC is proven and provides a highly effective structure for maximizing fundamental research and development efforts of value to the textile and apparel industrial sector. The value of new textile products and processes that have been created by NTC research is over $300 million, nearly three times the Federal investment in NTC to date.

[TC]2 is engaged in helping to transform the U.S. textile and apparel industry into a highly flexible supply chain, capable of responding to rapidly changing market demands. During calendar year 2006, 60 percent of [TC]2's

annual budget was supplied by the private sector. [TC]2 expects at least 55 percent of its 2007 funding to be provided by the private sector. To date, the public investment alone in [TC]2 has produced technology advancement valued in excess of $375 million, a return of more than 400 percent.

These programs do not specifically benefit any particular congressional district. They are an important element of our national textile industry which once led the world but, as has been noted, is now struggling to keep pace.

The textile industry needs these programs and our support, which have proven to be a wise investment in the past. This is why this amendment should be defeated.

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

Mr. WATT. Mr. Chairman, I rise in opposition to the amendment and move to strike the last word.

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

Mr. WATT. Mr. Chairman, I think we come to the floor not because we feel like Mr. FLAKE's amendment is likely to pass, but he provides a unique opportunity for us to talk to each other and the American people about some of the problems and stresses that are taking place in our country. There are three points that I want to make.

First of all, this is not a local issue for me. The appropriation, the consortium, is of eight leading textile research universities in Alabama, California, Georgia, Massachusetts, New York, North Carolina, Pennsylvania and South Carolina. Not one of those universities is located in my congressional district. This is not a local pork barrel request for those of us who are rising.

Second, I want to make the point that Mr. COBLE and I, on a bipartisan basis, have been the co-Chairs of the furnishings caucus, which the textile industry provides a major base for in North Carolina and in other parts of the country. This is not something that's just about textiles. It is about a broader-based loss of jobs and employment opportunities and a severe impact on our economy and various economies in multiple States that goes well beyond just the textile industry. I hope Mr. FLAKE recognizes that.

□ 1130

The third point I want to make is a broader point, because it is raised by the gentleman from Arizona in a sequence of amendments. He has made the argument that somehow we are better off to let the Federal Government be making these decisions rather than trying to direct these appropriations through this process to local communities.

Now, that's an interesting argument for a person to be making who in most cases makes the counterargument that States rights are more important than Federal rights. If anybody knows what the priorities ought to be in North Carolina, Massachusetts, Alabama, South Carolina, it should be the people who are representing those areas, and I would have to say Presidents, administrations, Democrat and Republican, have not paid sufficient attention to the plight of the textile industry, the furnishings industry, the loss of manufacturing jobs that we pay in our local communities.

So for somebody to make the argument that we shouldn't be involved in the process when the decisions that are being made are impacting our local communities, I don't understand, especially a gentleman who has consistently and long term supported the notion of States rights.

So I think this is an appropriate thing for us to be doing, not only in this amendment context, but in most of the contexts, in essentially all of the contexts. I even supported his Republican colleague's Christmas tree amendment because I thought he knew more about the Christmas tree industry in his local community than anybody was ever going to know on a national basis about the importance of Christmas trees to his local economy. These are things that we are uniquely situated to understand and advocate for, and I would hope that our colleagues would strongly and resoundingly defeat this amendment, for those three purposes and others.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Thank you, Mr. Chairman.

I rise in opposition to the amendment. Some people may have thought that since I have supported Mr. FLAKE on a number of amendments, that this was sort of a centrifuge way for me to help defeat the amendment because it might lose support, given the fact that I have supported some of his amendments and not supported others. But, rather, I did request an earmark. It is one of the seven or eight earmarks that have been combined together in this in support of the textile center because the textile center exists in about eight different locations around the country, eight institutions, one of them the University of California at Davis. That part of UC Davis which is part of this is actually not in my district. It's in the gentleman, Mr. THOMPSON's, district. But I am convinced of the worthiness of this request for a slightly different reason than has been mentioned on the floor to this time.

One of the key areas that the textile center funds go to support in the work and research that's done at the UC Davis center is in the area of personal protection, research improving the functional clothing for homeland security and occupational safety. What do we mean by that?

Well, there are what are known as biocidal Nomex fabrics, which have been developed for firefighters, for first responders and for military personnel in collaboration with the National Personal Protective Technology Laboratory. In collaboration with the California Department of Forestry and Fire Protection, research has enhanced the safety and comfort of firefighters' uniforms by improving and redesigning the fabrics and clothing. Biocidal textiles, and biocidal means that there is something that is in the textile itself, the product itself, which can kill certain kinds of things, substances which would be harmful to those who are wearing them. This is dedicated research for this specific purpose. Biocidal textiles, including protective masks, have been designed and developed for health care and other workers, resulting from interdisciplinary research teams, which include social and physical scientists, public health and environmental researchers.

So while there are many reasons to support this amendment from the standpoint of those that are attempting to help an industry that has had difficult times, I rise in support of the very specific research that's being done as part of the textile center operation at the University of California at Davis which goes to protecting those folks who respond as first responders when we have explosions, when we have fires. It is not just being said to come up with some extraordinary reason to support this. This is actual research being done that has produced products that has made it safer for our first responders.

One of the things I have requested from anybody who has asked me to put forth an earmark request is show me the Federal nexus. This to me is clearly a Federal nexus. This is research that supports first responders all over the country. It's concentrated research that means it is done on a far better basis than otherwise would be possible. It enhances the final product. And in that way, it seems to me, it is a substantial, reasonable application of Federal funds for a Federal purpose.

For that reason, even though I have great respect for the gentleman from Arizona, whom I think has done a great job, and I have referred to him publicly because of his pleasant demeanor as he approaches this difficult task as Don Quixote with couth, I still would have to say with all due respect, I must oppose his amendment.

Mr. ETHERIDGE. Mr. Chairman, I stand in opposition to the gentleman's amendment and move to strike the last word.

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

Mr. ETHERIDGE. Thank you.

For many of my colleagues this is just another earmark. For me this is somewhat personal because the first job that I ever held right out of high school before I went to college was in a textile plant. That was when they were plentiful in North Carolina and really

across the Southeast. Hard work, in a lot of cases it was dirty work, but it was honorable work, and it made a difference in people's lives.

The National Textile Center, or NTC, as you have already heard, really is a national initiative. It's not a localized project. It's a project that has already made a difference. It will continue to make a difference. And as you have heard, it's a consortium of eight leading textile research universities. One of those is in my State. Actually one of the universities happens to be in my district, an outstanding university, North Carolina State University. But each of these States making a contribution, or the universities in these States. They're working to advance every aspect of the textile industry, from fiber production to marketing, through research, education, and, more importantly, industrial partnerships.

That's the kind of thing we ought to be promoting here. We ought to be about getting people to work together. That's what this is about. Yet we have an amendment that says, no, we don't want you to work together. We'd just as soon you have those silos. We argue on this floor daily about knocking down silos and getting people to work together.

The National Textile Center was established really to achieve that one goal, but three others:

It was to develop new materials, innovative and improved manufacturing procedures and integrated systems essential to the success of a modern fiber, fabric and fabricated products manufacturing enterprise.

Secondly, to provide trained personnel. It's important today as the industry changes to have people who can affect the new industry, because it is a high-tech industry today, and to develop those industrial partnerships and technology transfer mechanisms.

And, finally, to strengthen the Nation's textile research and education efforts.

Just yesterday I had a large manufacturer of textiles in my office. Twenty-four plants. He closed one in the western part of North Carolina. Now, for some people that might not make a difference, but for about 300 people that lost their jobs, that's trauma. Their lives have been changed. This is a way we can help that situation. We've lost our shoe industry overseas. Much of our textiles have gone. We are now about trying to reclaim some of it.

Now in its 14th year of activity, the center has made numerous contributions to its constituents, helping to keep the textile industry economically viable by providing a knowledge-based, competitive, cutting-edge opportunity. It enjoys widespread industry support and a partnership across the States.

As has been stated already, this industry is still alive. Six hundred thousand workers in America are still employed in the textile industry, contributing nearly $60 billion to the national gross domestic product on an annual basis. Research has already provided, as you have heard, uniforms and opportunities for our first responders. They're in the process in a broader sense of creating fabrics that are self-decontaminating to protect against biological and chemical hazards.

These are things we ought to be doing. And, yes, we ought to be doing them in a way that we work together so that at multiple universities and the bright minds we have across this country today can work together to make a difference.

I oppose the gentleman's amendment, and I ask this body to defeat it resoundingly.

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

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise today to oppose the amendment, and I'm sure that my friend and colleague from Arizona means well in this endeavor. But I must say that I support the National Textile Center.

As you know, Mr. Chairman, our domestic textile manufacturers are facing tremendous competition from around the world, and much of that is due to the way that our trade laws in this country are structured. And it's not the fault of our domestic manufacturers. The only way we can remain competitive against cheap labor in these foreign countries is through cutting-edge technology.

The National Textile Center strengthens our Nation's efforts by bringing together diverse research and also those in the industry so that our textile producers can produce to lead the world in technology. So the end results, therefore, will be workers in the United States can continue to produce the highest-quality products and in the most efficient manner.

This center that we're discussing today, the National Textile Center, provides real-world applications that are needed to make sure that the textile industry in America survives. For that reason, Mr. Chairman, I rise to support this center and to oppose the amendment that is being offered before us at this time.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRELINGHUYSEN. While I am opposed to the gentleman's amendment, I would like to yield him time because there have been a number of other speakers.

Mr. FLAKE. I thank the gentleman for yielding. I'll be very brief.

One of the gentlemen mentioned that we in Congress simply shouldn't let the Federal Government spend this money. The last time I checked, we are the Federal Government. We're one branch of it, and it's our job to appropriate money to another; that is, to actually spend that money. We don't spend that money here. We don't write the checks. That's done by the Federal agencies. Our role is to provide oversight and to authorize the programs.

□ 1145

And so I'm not advocating at all that we step back. I'm advocating that we actually go to the time-honored practice of authorization, appropriation, and oversight. And that allows us to actually go into these Federal agencies and really provide good oversight.

But I can tell you, it's very difficult to provide oversight for example for the Defense bill. Last year or the year before, I believe, we provided an earmark in the Defense bill for a museum in New York, in the Defense bill.

How can you provide good oversight with any straight face, go to the Defense Department and say, we think that you should have spent more money on body armor for our troops in Iraq. Oh, but by the way, we directed you to spend $2 million on a museum in New York. It just doesn't seem right to me. And so I think, frankly, we cheapen our role when we, the contemporary practice of earmarking, I think, has cheapened the role of Congress and moved us away from authorization, appropriation, and oversight. So that will be my response, and I would urge support for the amendment.

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

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

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

The gentleman alludes to the Defense Department. He could save a lot more than $2 million for the United States Government if he turned his attention to the Defense Department and some of the contracting activities that are certainly going on in Iraq. And perhaps that's something he will want to look at.

But let me say with regard to the textile-designated funding in this bill, I don't know a project that has actually had more scrutiny, or more broad-based support than this project. And in a time when our industries are competing internationally, the textile industry is particularly under siege around the world. This initiative has probably saved the textile industry that continues to struggle to exist in this country. To the extent that this program has been able to save it, the research and development that has come out of the textile industry's research can largely take credit for that.

I want to commend the Members who represent these areas. And it's not one area. It's not two areas. There are eight universities involved in this, focusing on this and being ahead of the problem enough in order to be able to fund, promote, and facilitate the research that has allowed the textile industry to be as competitive as it is around the world. It is only research, it is only new discoveries, it is only new materials, new ways of manufacturing

that have allowed the textile industry in this country to survive. So actually, these gentlemen are to be commended, each and every one of them for their foresight in supporting this project. I think I heard the textile industry has 60,000 employees across this country, and is a $60 billion industry. This is really a small amount of money which has had a huge pay-off for the textile industry and the economy of the country. It's a good project, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 25 OFFERED BY MR. PENCE

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

The Clerk read as follows:

Amendment No. 25 offered by Mr. PENCE:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce the amendments made by subtitle A of title II of Public Law 107–155.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I rise today to offer a very straightforward amendment. It would prohibit funds appropriated in this bill from being used by the Department of Justice to enforce the criminal penalties provisions of the Bipartisan Campaign Reform Act of 2002, commonly known as McCain-Feingold. It would, essentially, prevent the Justice Department from using funds to enforce criminal penalties against organizations that make electioneering communications under that bill.

The electioneering communications section of McCain-Feingold prohibits the use of corporate or labor union funds to finance broadcast advertisements that include the name or depiction of a Federal candidate within 30 days of a primary election and 60 days before a general election. Basically, it restricts the first amendment rights of Americans, whether they be in right-to-life organizations or the AFL–CIO or other labor organizations, from lobbying their Representatives and using the airwaves in those days before elections.

Happily, on June 25 of this year, the United States Supreme Court, in the case of FEC v. Wisconsin Right to Life, ruled unconstitutional this provision of the McCain-Feingold law that prohibits the broadcasting of such issue advertisements prior to an election, even if those advertisements reference a Federal candidate, and even if the advertisements have some electoral effect. It was, in a very real sense, Mr. Chairman, a huge victory for the first amendment because it's a major step in restoring the free speech rights to grass-roots lobbying organizations, left, right, and center.

The ruling allows advocacy groups around the country, like Wisconsin Right to Life, the freedom to run ads to encourage citizens to contact their legislators on issues of importance to them. And it reasserts the principle that the presumption under the law should be in favor of free expression rather than the muzzling of speech.

Those of us who hailed this ruling and welcomed it as a first step toward the reversal of McCain-Feingold were encouraged, but we knew this was not the end of the story. As the sole House plaintiff in the McConnell v. FEC case that challenged McCain-Feingold, I believe we must maintain our effort, which is to ensure that that about McCain-Feingold that intrudes on the first amendment rights of every single American are challenged. And that's why I'm on the floor today.

The Pence amendment reaffirms the Supreme Court's ruling in Wisconsin Right to Life. It simply states that no funds under this bill can be used to enforce criminal penalties against any organization airing such an issue advertisement. It further prevents criminal penalties attendant to the reporting requirements associated with the airing of such ads. We should not allow criminal penalties to be imposed on citizens for engaging in protected speech and for not reporting to the Government about their protected speech.

That is the crux of the Pence amendment.

Mr. NADLER. Would the gentleman yield for a question?

Mr. PENCE. I'd be pleased to yield.

Mr. NADLER. Is your amendment limited to saying you can't use funds to enforce criminal penalties against what the Supreme Court ruled unconstitutional, or does it have broader effect against other provisions of the McCain-Feingold bill?

Mr. PENCE. Reclaiming my time, I appreciate the gentleman's question.

In fairness, my amendment says that no funds may be used to force amendments made subject to title A of title II of Public Law 107–155, which, according to some, is slightly broader than the Supreme Court decision. But this is the provision of the law that the Supreme Court essentially struck down. That's the crux of the Pence amendment.

All of those who claim allegiance to the first amendment, I believe, should be thrilled with the Wisconsin Right to Life decision and support the Pence amendment.

I think we still have much to do to reinstate full first amendment protections to the American people. But I continue to believe we're badly trampled by McCain-Feingold.

But passing the Pence amendment today in the Congress would simply reaffirm the essential elements of the Supreme Court's decision in the Wisconsin Right to Life case. It's an important first step on this floor. It's one I encourage my colleagues to support.

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

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

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the FEC is planning to issue new regulations to comply with the Supreme Court ruling that the gentleman reference. That issue, with regard to mentioning candidates, may be seen in the run-up to elections. This amendment would not interfere with that process. Mr. Chairman, we'll accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 83, after line 6, insert the following new section:

SEC. 529. For ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' for the Jessica Gonzales Victims Assistance program, as authorized by section 101(b)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the amount otherwise provided by this Act for ''DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES'' is hereby reduced by $5,000,000.

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

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. Mr. Chairman, this amendment will increase the Violence Against Women Prevention Programs by $5 million intended to fund a specific provision, namely the Jessica Gonzalez Victim Assistance Program. To offset this cost the Department of Justice general activities accounts will be reduced by the same amount, $5 million.

The Jessica Gonzalez program places special victim assistants to act as liaisons between local law enforcement agencies and victims of domestic violence, dating violence, sexual assault and stalking in order to improve the enforcement of protection orders. It develops, in collaboration with prosecutors, courts and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized.

Victims of domestic violence need the Jessica Gonzales program because the current system has undermined the effectiveness of restraining orders. In Castle Rock v. Gonzalez, the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order

to protect a woman from her violent husband. This case came as a result of an incident in 1999 involving the kidnapping of Ms. Gonzalez's children by her estranged husband. Despite her numerous pleas to the police to arrest her husband for violating a protection order, including providing them with information on his whereabouts, the police failed to do so. Later that night, Mr. Gonzalez murdered their three children.

The Jessica Gonzalez Victim Assistance Program restores some of the effectiveness of restraining orders that the Supreme Court took away with its ruling.

This is the first opportunity we have had to grow the Jessica Gonzalez Victim Assistance Program since it was first funded last year after its initial authorization in the Violence Against Women Act reauthorization of 2005 in order to strengthen the effectiveness of restraining orders.

This program strengthens the efficacy of restraining orders against the prevalent matter of domestic violence. Tragically, as we know, violence against women is a pervasive problem which goes beyond class, culture, age or ethnic background. Every 9 seconds a woman is battered in the United States, and every 2 minutes someone is sexually assaulted.

According to the Department of Justice, more than three women are murdered by their husbands or boyfriends every day. More than 2½ million women are victims of violence each year, and nearly one in three women experience at least one physical assault by a partner during adulthood. Many more cases go unmentioned as women, fearing to come forward, leave the assaults unreported.

The Jessica Gonzalez Victim Assistance Program helps to enforce restraining orders and protect women who are victims of domestic violence, and it is a great step forward from when we authorized it 2 years ago and when we first funded it last year.

Mr. Chairman, we need more funds for this program. I am aware that this bill, because of the good work of the chairman and the committee members, includes approximately $430 million to support grants under the Violence Against Women Act which is $47 million more than the current budget and $59 million above the President's meager request for fiscal year 2008.

I'm also aware that in amendments we passed last night, we increased funding for the Violence Against Women Act by about 40 or $45 million, and I hope that some of that will survive in conference.

And in light of that, I will now withdraw the amendment, but urge my colleagues to support the CJS appropriations amount granted to programs that protect women and their families, especially the Jessica Gonzalez Victim Assistance Program, and hope that in conferences all of these matters are hashed out, that a little more money can be spared for this program, especially in light of the amendments approved last night.

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

The Acting CHAIRMAN (Mr. HASTINGS of Florida). Without objection, the amendment is withdrawn.

There was no objection.

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

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. SAXTON. I would like to engage my distinguished colleague, Chairman MOLLOHAN, in a colloquy regarding the importance of supporting ecosystem-based monitoring to better understand water quality and ecosystem effects on our fisheries.

U.S. fisheries are experiencing increasing pressure as the near-shore marine ecosystems that sustain them deteriorate due to human activity and as blooms of jellyfish and other organisms that compete for food with juvenile fish like summer flounder grow in frequency and abundance.

□ 1200

The present trend may well be the cause of significant economic harm to coastal communities in various areas along the coast. The lack of rebuilding in one of our most important coastal fisheries, summer flounder, may be an example of the downside to managing a fishery without taking into account the ecosystem impacts on its ability to rebuild. An ecosystem-based approach to management requires ecosystem-based monitoring. The use of innovative, cost-effective, place-based data collection systems would provide continuous high-quality data on a number of important water quality and biological parameters that will greatly improve the data which fisheries are managed.

I hope, Mr. Chairman, you will consider allocating some of the programmatic resources in this bill to support the use of such new technologies that hold great promise.

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

Mr. SAXTON. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank my colleague from New Jersey for bringing this important technology, place-based data collection stations, to my attention. I am pleased to consider this funding need as we move forward to conference should funds become available.

Mr. SAXTON. Mr. Chairman, I thank the chairman very much for his attention to this matter.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. NADLER:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce section 505 of the USA PATRIOT Act until the Department of Justice conducts a full review and delivers to Congress a report on the use of National Security Letters to collect information on U.S. persons who are not suspected to be agents of a foreign power as that term is defined in 50 U.S.C. 1801.

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

The Acting CHAIRMAN. The point of order is reserved.

Mr. NADLER. Mr. Chairman, I commend the chairman of the committee for including in this act a provision that no funds shall be made available to authorize or issue a National Security Letter, NSL, in contravention of current law. That should go without saying, but as we have seen, apparently not with the current administration.

My amendment asks for an accounting by the Department of Justice of the FBI's collection and use of information on U.S. persons who are not suspected of being terrorists or agents of a foreign power before we provide further funding for the issuance of more National Security Letters.

This amendment prohibits funds from being used to issue a National Security Letter under the provisions amended by section 505 of the PATRIOT Act until the Department of Justice conducts a full review and delivers a report to Congress on the use of NSLs to collect information on U.S. persons who are not suspected of being agents of a foreign power, or terrorists, as that is defined in 50 U.S.C. 1801.

The underlying bill asks for the FBI to conduct a report within 2 months on what has been done to implement the inspector general's recommendations with respect to NSLs. This would simply ask that that report be more specific and more inclusive and include the following information:

How many National Security Letters have been issued; what standards are used to determine when to seek information on a person who is not suspected of being an agent of a foreign power; the current guidance as to what is ''relevant'' to an investigation when the targets are not suspected of being agents of a foreign power; how that information is stored; how the information is used; whether the information is used; whether that information is ever destroyed; whether that information has led to any substantial leads in terrorism cases; whether that information has ever been used in criminal cases; and whether that information has led to any adverse government action against people not suspected of being enemy agents, agents of a foreign power, or terrorists.

Almost limitless sensitive private information from communication providers, financial institutions, and consumer credit agencies can now be collected secretly by simply issuing a National Security Letter on an FBI field director's simple assertion that the request is merely relevant to a national

security investigation. These communications and records can be of people who are U.S. citizens who are not suspected of being agents of a foreign power or terrorists. These communications and records can be demanded without any court review or any court approval. Worse yet, the target of the NSL will never know that his communications and records were inspected by government agents because the company, the financial agent, the service provider, the bank is barred by law from telling him or anyone else of the demand. And as we know from the FBI inspector general's audit, this broad discretion has been abused by the FBI, whose agents may have violated either the law or internal rules more than 1,000 times while misusing the authority to issue National Security Letters.

This recent IG report heightens the clear need for more adequate checks on the FBI's investigatory powers with respect to NSLs. The FBI has far-reaching compulsory powers to obtain documents in terrorism investigations without NSLs. In criminal investigations the FBI can obtain a search warrant if there is a judicial finding of probable cause or a grand jury subpoena issued under the supervision of a judge and a U.S. attorney. And in international terrorism cases, the FBI has sweeping authority to obtain records under section 215 of the PATRIOT Act, all this separate from NSLs.

I intend to introduce this week, with Congressman FLAKE, the National Security Letters Reform Act of 2007 to address more fully the issues presented by section 505 of the National Security Letters.

The bill would restore a pre-PATRIOT Act requirement that the FBI make a factual, individualized showing that the records sought pertain to a suspected terrorist or spy. It also gives the recipient of a National Security Letter an opportunity to obtain legal counsel. It thus preserves the constitutional right to their day in court.

Already courts have found part of the NSL authority to be too broad and unconstitutional. The provisions that state that NSL recipients are forbidden from disclosing the demand to the targeted individual and are forbidden even from consulting with an attorney have already been struck down. Another court found the NSL authority to be unconstitutional on its face because it violates the fourth amendment's protection against unreasonable searches and seizures.

The National Security Letters Reform Act of 2007 would allow the FBI to continue issuing National Security Letters by correcting the constitutional deficiencies in the law. This bill would enable the FBI to obtain documents that it legitimately needs, while protecting the privacy of law-abiding American citizens.

I ask that my colleagues vote for this amendment so that we can protect the privacy of U.S. persons who are not terrorists or agents of terrorists before we provide funding for those broad and sweeping powers provided under the PATRIOT Act.

I urge my colleagues to vote for this amendment.

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

The Acting CHAIRMAN. Does the gentleman from New Jersey continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do insist on my point of order, Mr. Chairman.

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

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

Mr. MACK. Mr. Chairman, I rise to briefly lend my support to the conservative goal of congressional oversight.

I have heard from many individuals and business leaders about section 505. It has caused the financial services sector to work overtime in complying with the section, and it has laid the foundation for an explosion in the use of National Security Letters.

Section 505 allows the executive branch to bypass the Constitution's procedures for search warrants and grants authority that Congress has a legitimate interest and role in monitoring.

This amendment simply asks the DOJ to conduct a review of their activities and ensure that the civil liberties of law-abiding Americans are not getting swept up in the process of keeping our Nation safe.

Mr. Chairman, we all agree that protecting this country is a top priority, but alongside that should be ensuring that our freedom is not threatened along the way. The best way this body can do that is through smart and direct oversight. This amendment calls for that.

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

The Acting CHAIRMAN. The gentleman from New Jersey continues his reservation.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment, and I reserve a point of order.

The FBI's use of National Security Letters is a very important issue. It should be addressed by authorizing committees. I would like to point out, which I know the sponsor knows, that it is his Judiciary Committee that is the authorizing committee, and I respect that, and I know he exercises a very powerful position on that committee.

This amendment requires the Department of Justice to report on its use of National Security Letters before they can issue any new National Security Letters. As we all know, the Department of Justice Inspector General released a report on the FBI's abuse of the National Security Letters in March. I hope the Judiciary Committee has been asking the Department of Justice questions. I am sure they have. Perhaps they should even mark up a bill to reform the FBI's use of National Security Letters after they have further studied this issue if they feel the reforms made by the FBI are not sufficient to date.

Despite past abuses of National Security Letters, we know that they are an important intelligence tool. We also know that al Qaeda has reestablished its central organization, training infrastructure, and lines of global communications, and that the National Intelligence Estimate has put the United States, in the words of that estimate, ''in a heightened threat environment status.'' Taking away this important intelligence tool, these National Security Letters, from the Department of Justice while they compile a report, given this heightened threat environment, is not prudent. The use of National Security Letters is a very important issue that should be considered carefully and not debated for a few minutes on an appropriations bill.

I urge rejection of the amendment, and I insist on my point of order.

POINT OF ORDER

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

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

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be made in order if changing existing law imposes additional duties.''

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. NADLER. Yes. Upon reflection upon the rules, the gentleman is quite correct in his reading of the rules, and I cannot object to his objection.

I do express the hope that in the report that the underlying bill demands that they will include the information requested by this amendment.

The Acting CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment imposes new duties on the Secretary to conduct a full review and deliver a report. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

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

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

Mr. SHAYS. Mr. Chairman, Congressman PENCE offered an amendment to the fiscal year 2008 Commerce, Justice, and Science Appropriations Act, the bill we are debating today, just an amendment before, to prohibit funds in

the bill from being used to enforce the criminal penalty provisions of the bipartisan Campaign Reform Act of 2002, provisions dealing with electioneering communications. This was debated and accepted by a voice vote.

It is my intention to ask that that vote be vacated so it can be part of the 2-minute voting process. And failing that, I will just ask that the vote be heard in the full Chamber, which would take 15 minutes. I am not trying to slip one by someone. I just simply want a rollcall vote on the floor of the House.

Why do I want a rollcall vote? I want a rollcall vote because the Supreme Court did not rule against the provision of Title II. It did not say that BCRA was unconstitutional as it related to Title II. Rather, it stated the provisions were unconstitutional as they applied to certain advertisements. This ruling means Title II will still be applied on a case-by-case basis.

Now, what did the campaign finance reform bill seek to do? It sought to do two things. One, it sought to prevent Members of Congress from raising money from corporations, labor unions, and unlimited sums from individuals in what we call ''hard money.''

□ 1215

That meant to enforce the 1907 law that banned corporate treasury money; the Tillman Act, the 1947 law banning union dues money; the Taft-Hartley Act; and the 1974 act, the Campaign Finance Reform bill, that made it clear you could not get unlimited sums from individuals. That was one part of the legislation.

The other part of the legislation attempted to deal with hard money contributions. These are monies from corporations, from unions, dues, from individuals, unlimited sums. And the way we sought to do that was we sought to do it by saying that a candidate's name mentioned 30 days before an election, a primary, and 60 days before a general election would be deemed campaign expenditures; therefore, no so-called ''soft money,'' the unlimited sums from individuals, corporations and labor unions, and it sought to say it had to be hard money contributions. So, Right to Life would have to raise $5,000 from each individual, put it in a political action committee, and it could spend unlimited sums based on whatever it raised in their PAC. For instance, the NRA, it has 4 million members, raises $10,000 from each. It could spend $40 million up to an election. It would be hard money, not soft.

And so my point is the Supreme Court has found the campaign finance law constitutional. It had a second issue looking at these election-nearing provisions, 30 days before a primary and 60 days before general legislation, and determined the case before it, the Wisconsin Right to Life case v. the FEC, was, in fact, permitted, and, therefore, the FEC needs to rewrite its regulations.

It is my intention, Mr. Chairman, to ask for a rollcall vote, and let me just state again why I'm doing this.

I will ask for a rollcall vote. There will be a rollcall vote. The question is, should it be a 15-minute rollcall vote or a 2-minute rollcall vote. I would prefer it be part of the whole system.

Mr. Chairman, at this time, I'm asking unanimous consent that the adoption by voice of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question de novo.

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

Mr. FRELINGHUYSEN. Reserving the right to object, Mr. Chairman, I would like to ask Mr. SHAYS of Connecticut, who has done a good job of articulating his concerns, if we could reach out to the gentleman from Indiana as a courtesy before he proceeds.

Mr. SHAYS. I think that's fair. And I would be permitted to reoffer my motion as soon as Mr. PENCE or others have been consulted. May I have the right to reintroduce this?

The Acting CHAIRMAN. The gentleman may renew his request.

Mr. SHAYS. Mr. Chairman, I would withdraw my request at this time.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the East Coast Shellfish Research Institute at the East Coast Shellfish Growers Association, Toms River, New Jersey.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' is hereby reduced by $250,000.

Mr. FLAKE. Mr. Chairman, I will be very brief here.

This amendment would simply strike $250,000 for the East Coast Shellfish Research Institute.

We just debated an earmark a few minutes ago with regard to the textile industry, and we were told that we needed this earmark because the textile industry is in such dire straits and has been affected by international competition and incomes are down and jobs have been lost.

With regard to the shellfish industry, you have the opposite; you have an industry that is actually doing quite well. According to the East Coast Shellfish Growers Association, this is the administrative organization that would receive the earmark, there are 1,300 members of the association with a combined revenue of approximately $80 million this last year. This revenue averages more than $60,000 per shellfish farmer, far more than the median household income in the country. According to the U.S. Census Bureau, the median household income is around $44,000. So we have $60,000 in this industry as opposed to $44,000 nationwide.

It brings up the question, if we fund earmarks to study industries or to help industries that are in dire straits and we fund earmarks to fund industries that are doing quite well, why not everything in between? What is to stop us from going ahead and funding every private industry and their associations that are represented here or elsewhere? It simply doesn't make sense to me.

According to the National Oceanic and Atmospheric Administration, the Federal agency that manages the conditions of the oceans and the atmosphere, the U.S. seafood harvest has produced increasingly higher yields since 2000. This is in addition to increased consumer demand for seafood based on new dietary guidelines.

I grew up on a cattle ranch on a farm, and I don't want anybody to accuse me of favoring beef over seafood or shellfish. I don't. I like both. But in this case, it seems to me the Congress is again picking winners and losers here. We're saying we're favoring one particular industry, be it textiles, be it shellfish, and the only way to not do that is to give earmarks to every industry out there. And I just don't think that we can. We simply can't afford that. The taxpayer needs a break here.

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

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

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise to strongly oppose the Flake amendment.

This year, the Congress has worked diligently to reform the earmark process and significantly increase transparency. We targeted a decade of abuse, while still protecting Members' ability to direct critical funds to important projects and to ensure they remain in the public interest. This earmark meets that obligation.

The East Coast Shellfish Research Institute is a nonprofit entity. It distributes funds to the National Oceanographic and Atmospheric Administration's Fisheries Lab in Milford, Connecticut, to conduct vital research about the shellfish industry.

I understand that the gentleman from Arizona is from a State that is landlocked. For those of us who are in Connecticut, Louisiana, South Carolina, Texas and other areas that this lab meets the needs for, we rely on a healthy shellfish industry. This is a small investment. It goes a long way and pays big dividends for this entire country. We keep the industry competitive, spurring significant sustainable growth, and strengthening communities around the country.

The Milford Lab and others performing similar research, such as Stony Brook University and the Virginia Institute of Marine Science, are national assets. They provide shellfish hatcheries with pioneering research and the tools to fight predators and disease, keep business profitable to

promote efficient, environmentally sound farming techniques.

The shellfish aquaculture industry is an economic powerhouse and a potential source of tremendous growth. The east coast, which relies on this industry, is home to more than 13,000 small shellfish farmers. Yes, the annual harvests are valued at nearly $80 million. The per-acre yields from shellfish aquaculture are among the highest of any form of agriculture. And I might add, this is agriculture; we just farm fish. And the industry provides thousands of jobs in rural areas. It supports related industries such as boat building, outboard repair, tourism and shellfish processing.

You know, today the U.S. now imports 80 percent of the seafood that we consume. Some of the worst food safety scares in recent weeks have come from seafood shipped from foreign shores. We should be building American businesses and providing an environment where more home-grown, safe seafood can reach the American public. These funds will turn research into results, making scientific information and innovation possible, benefiting shellfish producers nationwide, not only in Connecticut, but Louisiana, Texas, South Carolina, Washington State and, yes, other northeastern States.

You know, if my colleagues truly believe in supporting families and farmers, harnessing innovation, strengthening our economy, this policy is common sense.

I urge my colleagues to oppose the Flake amendment.

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

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

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, under this project, funds would be used to support the East Coast shellfish aquaculture industry. I think the gentlelady has eloquently stated the merits of this request. The committee has looked at it, vetted it, spent hours going over all projects, including the gentlelady's, who serves as a distinguished member of our subcommittee, and we strongly support this project and oppose the amendment.

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

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

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, let me say I am in accord with Chairman MOLLOHAN in terms of supporting the mark we have in the bill, and I also support Congresswoman DELAURO.

From a New Jersey perspective, in the interest of transparency, I rise in support of the work of the East Coast Shellfish Research Institute of Tom's River in Congressman JIM SAXTON's district. They do some good work. They work with other institutes around the Nation. And so I strongly support the retention of the language on this project in the bill.

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

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

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

Mr. LARSON of Connecticut. Mr. Chairman, I rise in strong opposition of the Flake amendment, and I wish to associate myself with the remarks of the distinguished lady from Connecticut (Ms. DELAURO). I think she has articulated and laid out very eloquently the argument, an argument that is put forward on this floor that makes all the sense in the world, especially as we seek, in the ensuing days and next week, to talk about farmers and, in essence, fishermen.

I don't think there is any greater representation of the American way and the American way of life and rugged individualism than through the eyes of people that labor in agriculture or aquaculture.

And so, when you take a look at this very modest earmark so eloquently defended by Ms. DELAURO, it is surprising to me, especially as someone who is the co-Chair of the Congressional Shellfish Caucus, that this amendment would be drawn against such a regional way of looking and promoting and fostering aquaculture and making sure, especially in light of the concerns that Ms. DELAURO raises with regard to foreign entities importing into our country without the kind of care and caution that we know comes from home-grown fisheries, and in this case, shellfish, and the science behind this and the coming together.

Government operates best when it operates as a collective enterprise, and this process here, contrary to what the gentleman is saying, is most democratic in terms of representing those fishermen and those farmers who rarely get a chance to come to this floor themselves. But through their representative process, whether it's Puget Sound or whether it's Long Island Sound, from coast to coast, we make sure that their concerns get represented and that there is an opportunity, through this earmark, to make sure that we provide them with the necessary research to continue to foster and grow.

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

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

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

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

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

AMENDMENT OFFERED BY MR. FOSSELLA

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

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to carry out the decision of the United States Court of Appeals for the Second Circuit in Lin, et al. v. United States Department of Justice rendered on July 16th, 2007.

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

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

There was no objection.

Mr. FOSSELLA. Mr. Chairman, my amendment is designed to prevent the Department of Justice from enforcing a decision made recently by the Second Circuit Court of Appeals in New York. Many of us know of the policy in China of forced sterilization and forced abortions, and this decision recently really ties into that.

As we also know, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 clearly stated that Chinese nationals are eligible for asylum if they're subjected to forced abortions or sterilization procedures in China.

□ 1230

A decade of Department of Justice policy has held that spouses or unmarried partners of those subject to brutal treatment are also eligible.

Recently in Lin, et al., v. The United States Department of Justice, the second circuit overturned years of that policy and previous judicial decisions allowing Chinese men to claim asylum if their wife or partner is subject to a forced sterilization in China.

Less than 1 month before the second circuit handed down their decision, the third circuit came to the exact opposite assertion in Jiang v. The Attorney General of the United States, where they clearly upheld the decade-old policy of the Department of Justice granting asylum to spouses of those physically harmed by China's policy.

The chilling effect of the second circuit's decision is already being felt in States covered by the second circuit. Just 1 day after the second circuit handed down its decision, an immigration judge in Manhattan was bound to order the removal of an individual because her claim of asylum was based on the fact that her husband was a victim of the forced sterilization.

The lady had three children in violation of China's barbaric population control policies, keeping the first two hidden from the government. Upon the

birth of her third child, the Chinese Government became aware of her violation of the law and came to her home to force her to undergo sterilization. Due to the complications from her third birth, the doctor was unable to perform the sterilization, so the government simply seized her husband and sterilized him.

The judge in her case was sympathetic to her story and indicated his wish to grant her asylum; however, he felt that his hands were tied by the second circuit's decision just 24 hours prior.

Mr. Chairman, I will include the entire story for the RECORD.

We also have heard from many immigration lawyers. In light of this decision, many immigration lawyers are actively recommending to their clients who are seeking asylum based on such inhumane treatment to leave the States covered by the circuit in order to avoid expulsion.

Chinese nationals make up the largest number of asylum seekers in the United States. Between 2000 and 2005, 35,000 of the 157,000 asylum seekers came from China. It is unclear how many were petitioning solely due to China's brutal population-control policies.

In her dissenting opinion in the second circuit case, Judge Sonya Sotomayor made the point well when she wrote, ''The majority clings to the notion that the persecution suffered is physically visited upon only one spouse. But this simply ignores the question of whom exactly the government was seeking to persecute when it acted. The harm is clearly directed at the couple who dared to continue an unauthorized pregnancy in hopes of enlarging the family unit.''

To me it is clear that the effects of China's brutal forced sterilization procedures do not harm only the mother, but also the father, or vice versa. If the Second Circuit Court of Appeals can't recognize that, then I feel it is our responsibility to protect such asylum seekers either until there is a consistent national policy, or Congress considers a legislative remedy if necessary.

The second circuit's opinion, as we mentioned, recognizes the split. There are contrary decisions in the third, sixth, seventh and ninth circuits between 2002 and 2007.

Mr. Chairman, I include for the RECORD the statement on Jiang Meijiao.

STATEMENT

My name is Jiang, Meijiao. I was born on August 19, 1967 in Lian Jiang County, Fu Jian Province, P. R. China. I started school at the age of nine and stopped going to school after the second year of junior high. I stayed home to help with family chores afterwards.

My husband and I were junior high schoolmates. We held a traditional wedding ceremony on January 1, 1991. We were only allowed to have only one child according to the family planning policy because my husband belonged to city household and worked in a government work unit.

I found myself pregnant in early 1993. We wanted to have more children so I went to stay in my brother's home. I gave birth to a girl named Chen, Xi and another girl named Chen, Yu on September 18, 1993 and December 10, 1996 respectively with help of midwives in my brother's home.

I was pregnant again in October 1999 and during the late term of the pregnancy, I often experienced pain in my abdomen area. I dared not to seek medical examinations in hospitals so I went to a private doctor but was refused treatment by the private doctor. The private doctor suggested that I should go to a hospital. In the morning of June 12, 2000, around four o'clock in the morning, my water broke. My husband rushed to locate a midwife for help. When the midwife learned about the frequent pain I had during the last phase of my pregnancy, she refused to deliver my child but urged us to go to the hospital. My husband had to take me to Fu Zhou City No. 1 hospital immediately. I gave birth to our third child, a son named Chen, Qi on June 12, 2000.

During the delivery of my third child, I had bled severely. I had to stay in the hospital for about a week. I was diagnosed with hysteromyoma and the doctor gave me medicine and injection as well. I was told to return to the hospital to check up half year later.

I brought my newborn baby to my mother's home to stay after being released from the hospital and left our two daughters to my brother and his wife to take care of.

On October 9, 2000, six family planning cadres came to my mother's home and forcibly taken me to Lian Jiang County Family Planning Service Station and when the doctor tried to perform the sterilization operation, they found out the leiomyoma in my uterus was too big and they dared not to continue with the operation.

The family planning cadres detained me at the family planning office and went to my husband's work unit. They took my husband to Fu Zhou No. 2 Hospital and sterilized him. I was released afterwards. We were fined 20,000 on February 3, 2002.

I came to the U.S. on April 11, 2001 and returned to China on October 3, 2001. I came to U.S. again on February 9, 2006.

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

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection. We accept the amendment.

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

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

Mr. NADLER. Mr. Chairman, I entirely agree with the gentleman from New York. I entirely agree with the purpose of this amendment. The problem I have with this amendment is that, as I understand it, it says no funds may be spent to enforce a court decision.

If that is what this amendment says, and I just heard it briefly, then it is the wrong way to do it. We have to put in a bill. I am sure the Judiciary Committee will entertain, I assume would entertain it quickly, to clarify the law and say that that is not what the law is, and that what the gentleman seeks to do we ought to do legislatively.

But the idea of saying we will not permit funds to be used to carry out an order of a court destroys, undermines, and subverts the rule of law in this country. We cannot subvert the rule of law in this country by denying funds to carry out an order of the court.

If we don't agree with the order of the court, and I agree, I certainly don't agree with the order of the court in this case, it is terrible, we ought to change the law. That is why we have a Congress. That is our job. Let's change the law.

If the court interprets the law wrongly, as it has, in my opinion, along with the gentleman, we ought to put in a bill, change the law and clarify it. I think that bill would sail through here pretty quickly in all likelihood. That is the way to do it.

But to make an amendment to say no funds appropriated may be used to enforce the court order, what's next? A different court order that we dislike? That subverts the rule of law. It is the wrong way to go.

Mr. Chairman, I hope this amendment is not agreed to.

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

Mr. NADLER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I totally agree with the gentleman with regard to the appropriate forum to deal with this issue. We will count on the gentleman to move that and get it to the floor even before we get to conference so that it will be a good result.

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

Mr. NADLER. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, we are all on the same page as to the decision itself. The consequence of what we are trying to offer this amendment for is to delay the deportation that is already occurring in the second circuit.

Mr. Chairman, the gentleman from New York and I share the second circuit as members of the New York City delegation, but what we are trying to do is at least provide a stopgap measure. We know quite clearly that just 24 hours after this decision was reached, a young lady, and perhaps her whole family, will be sent back to China. We are looking for a consistent policy.

Mr. Chairman, I would be happy to work towards a legislative remedy, but until that time, we are trying to keep people here who want to seek and enjoy the American dream.

Mr. NADLER. Mr. Chairman, reclaiming my time, I will be happy to work with the gentleman and anyone else who will try to effectuate this policy. I would hope that the gentleman and others and I can address the administration and urge them for the next few weeks that it may take for the Congress to act, for the administration to withhold action, that they should not engage in deportations.

Now, I hope that comity with the administration would allow them to delay a little on enforcing. After all, the court didn't say, ''You must.'' The

court didn't say, ''You must deport these people.'' It said, ''You may deport these people.'' It is up to the administration to determine that.

So I would hope that the administration would delay for the few weeks it may take for Congress to show our will on this matter and that we don't agree with the court. But, again, I hope this amendment doesn't pass because it sets a terrible precedent. It may even be unconstitutional. I am not sure.

But clearly we don't want to start passing bills that say you can't enforce a court order, because once you start down that road, where do you end? But I certainly do anticipate working to make sure that nobody is deported under this. I hope the administration will delay that, and we can move legislation quickly on that.

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

The amendment was agreed to.

Mr. SHAYS. Mr. Chairman, I would like to renew my unanimous consent and say to my colleagues that I have spoken to the author of the amendment, and he agrees with it. My unanimous consent is that the adoption by voice vote of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question de novo.

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

There was no objection.

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

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I move very slowly to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we are awaiting the arrival of the unanimous consent, which has been a long time coming, and it is still slow in arriving. Once it gets here, it will facilitate and speed up our business for the day. It will allow us to, in an orderly fashion, finish our business on CJS, not as expeditiously as we would like. If he hadn't just arrived, I would have been asking my ranking minority member to get up and contribute to this.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MORAN of Virginia) having assumed the chair, Mr. HASTINGS of Florida, Acting 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3093 in the Committee of the Whole pursuant to House Resolution 562, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

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

An amendment by Mr. PRICE of Georgia regarding funding for the Executive Office of Immigration Review;

An amendment by Mr. CAMPBELL of California reducing funds in the bill by 0.05 percent, which shall be debatable for 30 minutes;

An amendment by Mr. CAPUANO regarding funding for young witness assistance;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. GARRETT of New Jersey limiting funds for attendance at international conferences;

An amendment by Mr. INSLEE regarding Federal law enforcement on tribal land;

An amendment by Ms. JACKSON-LEE of Texas regarding the early release of prisoners;

An amendment by Ms. JACKSON-LEE of Texas regarding transit workers' access to interoperable communications;

An amendment by Ms. JACKSON-LEE of Texas regarding the safety of the International Space Station;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 3 percent, which shall be debatable for 30 minutes;

An amendment by Mr. MACK or Mr. FLAKE limiting funds for certain FBI letters unless certain reporting requirements are met;

An amendment by Mr. MCHENRY limiting funds to award a grant or contract on the basis of race, ethnicity or sex;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY regarding earmarks;

An amendment by Mr. PRICE of Georgia reducing funds in the bill, which shall be debatable for 30 minutes;

An amendment by Ms. LINDA T. SÁNCHEZ of California regarding the State Criminal Alien Assistance Program;

An amendment by Mr. TANCREDO or Mr. HUNTER limiting funds for the Security and Prosperity Partnership;

An amendment by Mr. UPTON, Ms. HARMAN, Mr. LIPINSKI, or Mr. INGLIS of South Carolina regarding use of Energy Star certified light bulbs;

An amendment by Mr. WELDON of Florida limiting Community Oriented Policing funds for State and local governments acting in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act;

An amendment by Mr. WELDON of Florida or Mr. KING of Iowa limiting State Criminal Alien Assistance Funds for State and local governments acting in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act;

An amendment by Mr. KING of Iowa limiting State Criminal Alien Assistance Funds for State and local governments unless certain reporting requirements are met;

An amendment by Mr. KING of Iowa regarding a study of aliens in prison;

An amendment by Mr. KING of Iowa limiting funds to employ workers described in section 274A of the Immigration and Nationality Act;

An amendment by Mr. KING of Iowa limiting funds for the Institute for Scientific Research, the West Virginia High Tech Consortium Foundation, the Vandalia Heritage Foundation, the MountainMade Foundation; or the Canaan Valley Institute; and

An amendment or amendments by Mr. MOLLOHAN regarding funding levels.

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

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

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

There was no objection.