

this area is not the right thing to do, but it's a debate that will go on. And yet our friend, Mr. LEVIN, was talking about the issue of the automobile industry in this troop funding bill.

□ 1515

Then I listened to our friend from Houston, Texas, talk about Darfur, one of the most troubled spots on the face of the Earth, an issue that does need to be addressed, and the challenges of meeting the needs of children in Texas, a very, very important issue, but not as part of a troop funding measure.

Now, Mr. Speaker, as I said, through the very thoughtful work of the Appropriations Committee last month, we came to this floor with what President Obama and I believe a majority of Republicans and Democrats in this House would like to see us achieve, and I know the American people would like to see us achieve, and that is bipartisanship.

Bipartisanship is a word that is used all the time around here, all the time. Everyone talks about the need for bipartisanship, how important it is. The Speaker in her opening address here to the Congress as we began the 111th Congress talked about how she wanted to work in a bipartisan way. We Republicans say we want to work in a bipartisan way.

But this bill that emerged from the House Appropriations Committee was the first time, the very first time in this 111th Congress that we were able to see a bipartisan work product emerge from the Democratic leadership, and I congratulated them on that, and I have done that when we considered the bill, and I would like to be able to do it today.

But, unfortunately, this bill has crumbled from what it was intended to be, a bill to support funding for our troops. It in fact included a reduction by transferring money that was intended in the House-passed bill to be funding for our troops to the International Monetary Fund.

Now, I will say that that may be a worthwhile cause as we deal with the economic challenges that exist here in the United States and around the world. But, again, Mr. Speaker, that is something that should not be considered as an emergency funding measure. It is something that should be considered under the normal appropriations process, so that we can make a determination whether increasing by \$5 billion the funding for the International Monetary Fund is more important than transportation priorities here in the United States or other priorities that we have.

So, some might like to say that this bill is just a continuation of what we considered last month. But, Mr. Speaker, it unfortunately has gone a long way down from where we were, creating the potential, the potential for us to not be able to prevent with absolute certainty the terrorists from Gitmo ending up in the United States. There is no guarantee that that will happen.

On the IMF, on the IMF, there is no guarantee, no guarantee in this measure that funding requests could not be made for countries like Iran or Venezuela.

So, Mr. Speaker, these are the kinds of things that this troop funding bill has ended up addressing, and it was made very clear by an overwhelming majority of the remarks that came from our colleagues on the other side of the aisle. That is why I urge my colleagues to vote "no" on this rule, so that we can come back and pass in this House what 267 Members last Friday said that they wanted to have passed, and that is a clean bill that funds our troops and ensures that we won't have terrorists in the United States, that ensures that we will not be dramatically expanding a wide range of other programs.

So vote "no" on this rule, and, if by chance it passes, I urge a "no" vote on the conference report itself, because we can do better.

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

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from the Rules Committee for his management of this rule and also for talking about what I think is ultimately the most important thing with respect to this bill, and that is, of course, our troops.

There are many of us who opposed the war in Iraq. I was one of them. I continue to oppose it. There are many of us who believe that the funding that this bill contains should be greater. I think on both sides of the aisle there is agreement that we should do as much as we possibly can. And there are things about this bill that clearly are not perfect. But we can't allow the perfect to get in the way of the good.

This bill is a good bill. Let's not deprive our brave sons and our daughters, their husbands and their wives, of what they need to return to their families safely. This is not about what is right or what is wrong. This is about what we as a country, what we as a Congress, need to do, and that is to make sure that our troops, our sons and our daughters, the people who put their lives on the line each and every day, have all and each and every thing they need.

Some people may argue it is not enough, but we need to give them everything that we possibly can. Voting "no" simply because you think it is not enough is not a solution. That absolutely is not a solution. We need to do everything we can to ensure that our soldiers have what they need.

With that, I urge a "yes" vote on the previous question and on the rule.

Mr. MCGOVERN. Mr. Speaker, there is much good in this conference report on the FY09 supplemental. I support the IMF monies and I certainly support the funding to respond to the H1N1 flu virus.

But I will vote "no" today on the final bill for the same reason I voted "no" on the original supplemental. This supplemental is primarily a war funding bill. It includes a huge escalation

of our military involvement in Afghanistan: an escalation without benchmarks, conditions, or most importantly, without an exit strategy.

I hope all my concerns about Afghanistan are wrong. There is a different team in the White House now—who I believe are trying very hard not to repeat the mistakes of the previous Administration.

President Obama and others have said there is no military solution in Afghanistan, only a political solution. I believe this, too. So I am very concerned when we put billions of dollars building up the U.S. military presence in Afghanistan without a clear mission and without an exit strategy.

Just as I insisted that the Bush Administration provide Congress with clear benchmarks and an exit strategy for Iraq, then we should the same with this Administration for Afghanistan.

I am not advocating an immediate withdrawal of our military forces in Afghanistan. I understand that our humanitarian mission may have to be protected in the near term. All I am asking for is a plan. If there's no military solution for Afghanistan, then please, tell me how we will know when our military contribution to the political solution has concluded.

I suspect that the votes are in place to pass this supplemental conference report. But I am deeply concerned. I'm concerned that we are moving ahead with a significant military escalation in Afghanistan without any real debate or any sense for how we will eventually bring our troops home.

Some have suggested that we have that debate at some point in the future. I respectfully disagree. I am not and never will be an advocate for "cutting and running" from Afghanistan. But we need to provide the American people and the people of Afghanistan a clearly defined mission, which includes a clearly defined plan for departure.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except: (1) those received for printing in the portion of the Congressional Record of June 15, 2009 (or earlier) designated for that purpose in clause 8 of rule XVIII; and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who submitted it for printing or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. Clause 9(b)(2) of rule XXI is amended by inserting "such" after "no".

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 544.

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

There was no objection.

Mr. ARCURI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 544 provides for the consideration of H.R. 2847, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010. I want to thank the distinguished chairman of the committee and ranking member for reporting out this bill that does not pay mere lip service to making communities safer, but makes critical investments in our Nation's communities.

The bill provides \$802 million for Community Oriented Policing Services, which we know as the COPS program, 45 percent above the current funding level. As a former prosecutor, I know how vitally important these programs are in assisting local law enforcement to hire and train new offi-

cers, to participate in community policing, purchase and deploy new crimefighting techniques and technologies, and develop and test new and innovative policing strategies.

So often State and local governments are critical of the Federal Government's programs because they pass down mandates without funding them. But this bill appropriates money to put more police on the street, funds successful drug court programs, and increases Byrne funding to help develop new and innovative law enforcement techniques which put violent criminals in jail and keep our streets safe for our children.

This funding includes \$298 million for the COPS hiring grants program, which help our local law enforcement agencies put more police on the street. When combined with the \$1 billion provided in the Recovery Act for the COPS hiring grants, the funding in H.R. 2847 will enable the hiring of more than 7,000 police officers. Those are officers in each and every State in this country.

Increasing the number of police on the street will help local law enforcement agencies to reduce violence and get illegal guns off the street. As a former prosecutor, I know that the vast majority of the violent crimes committed with guns in this country are committed with illegal guns, not legal guns. By putting more police officers on the street, it will give officers the ability to better enforce the laws on the books, not by creating new laws, but by reducing the number of illegal guns, which is the cause of the majority of gun violence in this country.

This bill provides \$15 million for the Weed and Seed program. Weed and Seed helps localities develop programs to weed out and deter crime and then take the all-important step often left out, that is, seeding the formerly high crime areas with programs to promote neighborhood revitalization. The funds will be used to carry out this mission in sites and communities such as my home in Utica and Rome, New York, cities which I represent.

H.R. 2847 also includes \$384 million for Juvenile Justice programs, \$11 million above the 2009 level. This underscores the strong Federal commitment to supporting States and communities in their efforts to develop and implement prevention and intervention programs and to improve the juvenile justice system so that it protects public safety and holds offenders accountable while also providing rehabilitative services that are tailored to meet the needs of juveniles and their families.

Additionally, the underlying bill includes \$45 million for grants, technical assistance, and training to State and local governments to develop dedicated drug courts that subject nonviolent offenders to an integrated mix of treatment, drug testing, incentives and sanctions.

As a district attorney, I quickly learned that no matter what initiatives

law enforcement took to reduce the supply of drugs, it never really affected the demand for drugs, which never seemed to go down and therefore created a market for drug dealers. One thing I saw is that reducing the supply can work, but reducing the demand for drugs always works.

When my office established a drug court program, I realized the powerful effect that the program had on helping enrolled participants get control of their addiction, thereby freeing them and their families from their awful addiction and reducing the demand for drugs. The appropriation of \$45 million for drug courts provided by H.R. 2847 is 12.5 percent more than the current level, and I congratulate the committee on that increase.

The bill also includes funding for upgrades to emergency communications systems around the country.

Mr. Speaker, I have addressed only a handful of the important programs for which H.R. 2847 would appropriate funds. My remarks are focused on the criminal justice aspects of this bill, but there are many other important areas addressed in this legislation.

It provides funding for critical scientific research, including programs to keep America on the cutting edge of technology, innovation and those that study climate change as well as funding the Department of Commerce and Economic Development Administration. The Appropriations Committee has approved a bill which would provide funding for these critical programs, and I once again thank them for their work and welcome the chance to vote in favor of this legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time and yield myself such time as I may consume.

I rise today in opposition to this unorthodox rule brought forth by the majority. It continues the precedent the majority set last year when they decided to no longer allow the House to consider appropriations rules with open rules and instead use a restrictive rule that requires Members to preprint any proposed amendments in the CONGRESSIONAL RECORD.

□ 1530

So this is a restrictive rule, even though the majority calls it an open rule with a preprinting requirement. It was not long ago when the majority felt quite differently. At the end of 2004, the current distinguished chairwoman of the Rules Committee, then a member of the minority and ranking member of the Rules Committee, released a report called, "Broken Promises: The Death of Deliberative Democracy." On Page 26 of the report the chairwoman said that she considers rules with preprinting requirements, like today's rule, restrictive and not

open. Why exactly is this a restrictive rule? Let, me, again, quote the chairwoman's 2004 report. "A preprinting requirement blocks any amendment proposal that might emerge during the course of debate."

For example, Mr. Speaker, Members will be blocked from offering germane changes to their own amendments if an issue surfaces during debate, or if there is a minor drafting error. That is why, during yesterday's rules hearing, I made a motion to modify the rule to allow Members who have preprinted their amendments, as specified in this rule, to make germane modifications to such amendments. My commonsense amendment was defeated by a straight party-line vote.

I will provide you an example, Mr. Speaker, why I believe my amendment was important. During last year's consideration of the Military Construction and Veterans Affairs appropriations bill, Representative BUYER submitted an amendment for consideration. However, the amendment had a drafting error and did not comply with one of the rules of the House.

Once Congressman BUYER realized the problem, he asked unanimous consent to change his amendment to achieve its original purpose, and also to comply with the rules of the House. However, the majority blocked his unanimous consent request.

If the bill had been considered under an open rule, Representative BUYER could simply have introduced a new amendment. But, just like the bill being brought to the floor today, that bill was not considered under an open rule, and Members were blocked from making germane changes to their amendments, unless they received concurrence of every Member through a unanimous consent agreement.

Yesterday, during the hearing on the supplemental appropriations bill, the Rules Committee ranking member, Mr. DREIER, attempted to ask the chairman of the Appropriations Committee, Mr. OBEY, how the majority would handle another occurrence like occurred last year with the Buyer amendment.

But when Mr. DREIER began asking his question, the Rules Committee chairwoman did not allow Mr. DREIER from going forward with the question. The Rules Committee chairwoman explained her ruling by saying, the hearing on the underlying legislation was complete, and the committee was now considering the supplemental funding bill; a bill that is an appropriations bill just like the underlying legislation. And yet, the chairwoman found that asking the Appropriations chairman about the upcoming appropriations process during a hearing on an appropriations bill was inappropriate. I think that was unfortunate.

Please let me quote Chairwoman SLAUGHTER's report from 2004. Restrictive rules block "duly elected Members of Congress the opportunity to shape legislation in a manner that they believe is in the best interest of their

constituents and the Nation as a whole." They also block, and I continue quoting, "the full and free airing of conflicting opinions."

Mr. Speaker, I will insert the relevant parts of the chairwoman's report into the RECORD.

If the rule was restrictive under the majority's definition in 2004, why is it not the same today?

What makes this restrictive rule more unfortunate is that the House has a long tradition of allowing open rules on appropriations bills in order to allow each Member the ability to offer germane amendments without having to preprint their amendment or receive approval from the Rules Committee.

Other than the recent use by the majority to restrict debate on appropriations bills, we have to look back nearly 15 years to the last time a restrictive rule was used. So this is not a one-time aberration but, in fact, the way the majority plans to continue to consider all of the appropriations bills this year.

So I believe that the majority is really not only subverting the rights of every Member, and also bipartisan and open debate on appropriations bills, but I think they're setting a dangerous precedent that is unfortunate. Excessive partisanship is unnecessary and unfortunate.

BROKEN PROMISES: THE DEATH OF
DELIBERATIVE DEMOCRACY

A CONGRESSIONAL REPORT ON THE UNPRECEDENTED
EROSION OF THE DEMOCRATIC PROCESS IN THE 108TH CONGRESS.

Compiled by the House Rules Committee
Minority Office

The Honorable Louise M. Slaughter,
Ranking Member

4. Rules with Pre-Printing Requirements are
not "Open Rules"

During the 108th Congress, the Rules Committee reported out four rules with a so-called "pre-printing" requirement. This provision requires Members to submit their amendments for publication in the Congressional Record, in accordance with clause 8 of Rule XVIII, on the day preceding floor debate of the legislation. While the majority optimistically calls such rules "modified open rules," we consider them "restrictive" rules and have scored them as such in the appendices attached to this report.

While we concede that considering a bill with a pre-printing requirement is less restrictive than the more common tactic of limiting amendments to those printed in the Rules Committee report;³¹ there is a significant difference between an open rule and a rule with a pre-printing requirement. A pre-

³¹ According to our records, 50% (64) of the non-conference report/non-procedural rules reported by the Committee in the 108th Congress were rules restricting debate to amendments printed in the Committee report. In the "Additional Views" they filed in the *102nd Congress Survey of Activities* Republican Rules Committee members, including Chairman Dreier, complained this type of restrictive rule had become "a favored method of the majority." Under this procedure, the Rules Committee "selectively determines which [amendment] to make in order and which may not be offered on the floor. Usually, the amendments made in order are subject to strict time limits, as opposed to open debate under the five-minute rule, and are not subject to amendment. On rare occasions the Rules Committee has allowed all amendments submitted to be offered, but this is the exception, not the rule." *H. Rept. 102-1101, 102nd Survey*, p. 109.

printing requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a pre-printing requirement blocks any amendment proposal that might emerge during the course of the debate. When Chairman Dreier was in the minority, he made the following statement about the preprinting requirement during debate on a rule on national, service legislation:

"This rule also requires amendments to be printed in the Congressional Record. That might not sound like much, but it is another bad policy that belittles the traditions of House debate. If amendments must be preprinted, then it is impossible to listen to the debate on the floor, come up with a new idea to improve the bill, and then offer an amendment to incorporate that idea. Why do we need this burdensome preprinting process? Shouldn't the committees that report these bills have a grasp of the issues affecting the legislation under their jurisdiction? Again, Mr. Speaker, I think we can do better."³²

We agree with Chairman Dreier's statement that the purpose of the amendment process on the floor is to give duly elected Members of Congress the opportunity to shape legislation in a manner that they believe is in the best interest of their constituents and the nation as a whole. It is not to help the floor manager with his or her job. A majority interested in allowing "the full and free airing of conflicting opinions" would allow at least some House business to occur in an open format—in a procedural framework that allows Members to bring their amendments directly to the floor for discussion and debate under the five-minute rule.³³

II. REPUBLICANS EXPANDED THE CONSIDERATION
OF SUSPENSION BILLS TO CROWD OUT REAL
DELIBERATION IN THE HOUSE

Another aspect of the disturbing trend towards curtailing real deliberation on controversial issues in the House has been the Republican leadership's tendency to devote more and more floor time to debating bills under the suspension of the rules. In the 108th Congress, standing House Rule XV permitted the House to consider bills under suspension of the rules on Mondays and Tuesdays, and during the last six days of a session of Congress. The suspension procedure allows for 40 minutes of debate, requires a two-thirds vote for a bill to pass, and allows no amendments except by the floor manager.

The ostensible purpose of the suspension day procedure is, as the Republican majority describes it in one of its Parliamentary Outreach newsletters, "to dispose of non-I reserve."

Mr. ARCURI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin, the distinguished chairman of the Appropriations Committee, Mr. OBEY.

Mr. OBEY. Mr. Speaker, I want to rise to express my concern about the ability of this House to get its crucial work done under the circumstances in which we're operating.

As I think every Member of the House understands, President Obama inherited an economic crisis and a foreign policy mess, and so the Congress

³² *Congressional Record* July 20, 1993, p. H4820.

³³ As we have noted above, most appropriations bills are debated under technically open rules, but amendments are subject not just to the normal restrictions of germaneness, but also a number of other restrictions set out in rule XXI and in the Congressional Budget Act.

first had to turn our attention to dealing with that economic crisis, and we finally got that out of the way in the form of the Recovery Act. We then had to finish all of last year's domestic appropriation bills, which took a considerable amount of time, and then we had to turn to the supplemental appropriation bill which we will be debating later today to finish funding the Middle Eastern war efforts for the remainder of the fiscal year, because the previous administration had a practice of only asking for funding for that endeavor 6 months at a time.

And now we are trying to bring up the first of 12 appropriation bills. And in order to stay on schedule so we can do the people's business by the end of the fiscal year, we need to deal with all 12 of those bills in the next 6 weeks. I think that means that we have a problem.

In fiscal '03 there were no amendments offered to this bill. In fiscal '04 there were 10 amendments offered by Republicans and 6 by Democrats. In fiscal '05 there were 19 amendments offered by Republicans and 11 by Democrats. In fiscal '06 the number increased to 19 and 27, and in '07 we had 38 amendments offered by Republicans and 37 offered by Democrats. Today, we have had filed on this bill 127 amendments.

Now, in the schedule that I announced last week for appropriation bills, we announced a schedule that would allow us to finish all of these appropriation bills by the August recess, provided that we were able to stick to that schedule. That schedule allocates about 7 to 8 hours of debate on all amendments on average for each bill.

The problem that I see here with this bill is that we already have amendments filed that will take at least 23 hours, and even if amendments are considered out of order, it still takes 10 minutes or so to dispose of each of those amendments.

So last week the majority leader and I met with my friend, the ranking member of the committee, and the minority leader, asking whether or not it would be possible to reach agreement on time and on the number of amendments offered so that we could finish this bill along the schedule that we had outlined; and at that time, the prospect did not seem too promising, if I can be polite about it.

And I would simply like to ask my friend from California at this point, before we get into this bill, whether, in light of the time squeeze that we have, whether the gentleman would be in a position to agree to a proposition that would, in fact, limit the number and the time of amendments to that amount of, or to that number and to that amount of time, that would enable us to cut that 23 hours down to about 7 or 8 hours?

And I would be happy to yield to the gentleman.

Mr. LEWIS of California. In exchange with my colleague, I was interested in

his commentary regarding the number of amendments in the past on this bill and other bills like it. I too am very concerned about the time difficulty that we are having. I'd much prefer to have us get back to regular order where we'd have open rules on these bills.

But at this point in time, because of the requirements of the majority, the preprinting requirements, et cetera, there are a lot of Members who are very frustrated by this bill, and they'd like to make some serious changes, but they find themselves in a position where they can't provide amendments.

The SPEAKER pro tempore. The gentleman's 5 minutes has expired.

Mr. ARCURI. I yield the gentleman from Wisconsin an additional 2 minutes.

Mr. LEWIS of California. We can continue this exchange. There is, as a result of the change in the rules and the way we can provide amendments, there had been as many as 127 amendments preprinted on this bill, 104 of them by the minority who feel they've essentially been cut out of the process. And because of that, and because of the importance of the issues that are a part of this bill, I cannot agree to a time limitation.

I think the time limitation you were discussing was like for 8 hours or something. I'm afraid my conference might very well have a revolution on its hands, and you might have a new ranking member.

Mr. OBEY. Well, I thank the gentleman for his frankness. I regret the content of his response, but I do appreciate the fact that he is forthright and honest in laying out what the prospects would be.

And Mr. Speaker, I think that that presents a dilemma to the House, because we want to finish our business, and I would point out that the schedule that we've set out can be adhered to only if we can work out reasonable time limits with each of these bills.

And I would point out that what we're trying to do with that schedule is to allow ample time for discussion of these appropriation bills and also still leave time on the calendar to deal with the crucial issues of health care, of climate change and the military authorization bill, among others.

So I think at this point the House has a problem. And I hope that we will face up to it forthrightly, because I think we do have an obligation to try to get the people's business done on time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. POSEY).

Mr. POSEY. Mr. Speaker, I rise to express my serious concerns about the bill before us today and about the lack of sufficient funding for NASA's next-generation human space flight.

Mr. Speaker, the bill before us has a \$6.7 billion increase in spending over last year. That's a 12 percent increase over last year's spending.

And while the overall NASA budget gets a slight increase from last year, the budget for our Nation's next generation-human space flight vehicle constellation is cut by \$566 million.

While lawmakers can talk about supporting space exploration, the bottom line is that the United States will soon yield its preeminence in space to Russia after the last shuttle flight, currently scheduled for 2010. This legislation does nothing to avert America's human space flight gap.

Those who follow our Nation's space budget realize what's at risk. Soaring rhetoric and good intentions of playing financial catch-up later with space funding can easily surrender to other competing initiatives. Delays and studies are the road to the graveyard for many legislative proposals.

□ 1545

The bill's \$566 million cut for our next generation human spaceflight vehicle sends the wrong message to the hardworking men and women who are developing Constellation now. It sends the wrong message to college students who are seeking advanced engineering and science degrees. It tells them that human spaceflight is not really a priority in this country. This message will not go unnoticed in Beijing or in Moscow.

This Congress passed the stimulus bill in February, including an additional \$400 million for the Constellation program. Yet, today, the bill before us essentially takes all of that funding back and then some—poof—like a shell game. If the inadequate funding level for NASA that is contained in this bill is allowed to stand as it is, then our Nation's human spaceflight program will be dealt a very, very serious blow.

For a comparison, let's look at several of the spending items in the bill. The bill would increase funds for the COPS program by \$252 million over 2009, and this is on top of over \$1 billion in the stimulus bill. The bill spends \$7.4 billion on the census, an increase of \$4.2 billion over last year. The bill increases funding for the National Science Foundation by \$446 million over 2009 to promote scientific research by students. Yet it cuts funding for human spaceflight, a fountainhead of patents and scientific discovery.

I would say to the chairman of the subcommittee, I appreciate the work that you do and the challenges before you. Without a robust manned space program, the United States cannot maintain our leadership in space nor can we carry crews beyond low Earth orbit. It is for this reason that we must work to restore the funding that was cut from this program.

I look forward to working with you and with my colleagues over the next several months to restore the funding so that we can get our Nation's next human spaceflight vehicle back on track. A cut of this magnitude at this critical stage cannot and absolutely must not be allowed to stand.

Mr. ARCURI. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Ohio, a former colleague from the Rules Committee (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman, my good friend from New York, for the time and for his leadership.

I also want to thank Chairman OBEY for all of the hard work he has put into developing this bill that will fund some of our Nation's most critical needs, including the funding for prisons, for law enforcement and for initiatives related to the southwest border, along with promoting important scientific research and development.

This bill provides \$30.6 billion for investments in science, technology and innovation, including \$6.9 billion for the National Science Foundation, whose grants in the past have allowed researchers in our colleges and universities to discover fundamental particles of matter, to develop carbon-14 dating of ancient artifacts and to decode the genetics of viruses, to name just a few.

It provides \$1 billion to science, technology and math education for our students, from graduate students all the way down through kindergarten. So we're going to educate our students for the future and will continue to be leaders in innovation in this global world.

It also invests \$781 million in the National Institute of Standards and Technology, which is very important for the area that I represent. It provides for scientific and technical research services. Along with \$125 million for the manufacturing extension partnerships, we will be investing \$125 million to help small- and mid-sized manufacturers compete globally by providing them with technical advice and access to technology. As well, we will be leveraging private funds to save and create jobs. This program has been vital to the 13th District of Ohio, resulting in jobs that can be directly linked to it. We are also investing \$70 million to fund high-risk, high-reward research into areas of critical national need done by U.S. businesses, colleges and universities, and labs. That is through the Technology Innovation Program.

In addition, this bill provides much-needed funding for the Bureau of Prisons to protect American citizens. According to the Bureau of Justice Statistics, in a 15-State study, over two-thirds of the released prisoners were re-arrested within 3 years. Now, with this in mind, the Bureau of Prisons is provided with \$6.2 billion to address long-standing critical shortages in corrections staffing, education and drug treatment, as well as an investment for Second Chance Act offender reentry programs.

The bill also provides the much-needed \$298 million for the COPS hiring program, which, when combined with the \$1 billion provided in the Recovery Act for the program, will put 7,000 new po-

lice officers on the streets of American communities, improving the safety for our constituents.

The ongoing drug violence on our southwest border is also addressed in this bill by providing funds for the DEA to combat the flow of illegal drugs across the border, for the ATF to reduce violent crime and to enforce Federal firearm and explosive laws, and for the department-wide Southwest Border Initiative to secure our border against violence and drug trafficking.

With all of that in mind, I rise in support of the rule and of the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, like all of my colleagues—and I know I speak for all of my colleagues when I say that I revere this institution.

220 years ago this summer, James Madison, following the urging of his constituents, came back to the House of Representatives, doing something that he actually opposed when he penned the U.S. Constitution: that being the implementation of the very important Bill of Rights, which is something that we as Americans spend a lot of time thinking about and which is something that the rest of the world looks to. There are people in Iran today who are looking at our Bill of Rights as they think about the need to pursue democracy and as they choose their leaders in their country. Peoples all over the world continue to look to our Bill of Rights. It was 220 years ago this summer that James Madison moved the Bill of Rights through this institution. I'm going to, next month, spend some time talking about that historic summer 220 years ago.

I say that simply to underscore the fact that I have such great regard for the precedents and for the rules of the House of Representatives, and I consider it a great privilege to serve with Mr. DIAZ-BALART, with Mr. ARCURI and with the other members who serve on the House Rules Committee. I take the work there very, very seriously.

I believe that we're at a troubling moment when it comes to the deliberative nature of this institution. We had the exchange that took place between the chairman of the Committee on Appropriations and the ranking member of the Committee on Appropriations on this process of filing amendments. We had a rigorous debate that took place in the Rules Committee yesterday about the fact that appropriations bills are considered as privileged.

As you know, Mr. Speaker, what that means is there is no need for a special rule for the consideration of appropriations bills. Constitutionally, it is a very important part of the process. Article I, section 9 of the Constitution makes it very clear that spending doesn't emanate from the White House; it emanates from the United States

Congress. By tradition, it begins here in the House of Representatives.

As I stand here, I'm thinking about conversations that I had with one of the greatest Members to ever serve here, the gentleman from Kentucky (Mr. Natcher), who was chairman of the Appropriations Committee and who was the long-time chairman of the Health Subcommittee. I remember his saying to me that he believed appropriations bills should come to the floor without being considered with a special rule because they are considered as privileged; but the tradition over the past several decades has been that the need for a special rule would allow for the protection of the bill, meaning that points of order could not be raised against the work product of the Appropriations Committee and that we would then allow for an open amendment process, meaning that any Member could stand up here in the House and offer a germane amendment to the appropriations bill.

It is true that the appropriations process can be prolonged, and it has been in the past; but when we were in the majority, having presided regularly over the Treasury-Postal Appropriations bill, I remember witnessing the chairman and the ranking member of the full committee or of the subcommittee come together and have an agreement that amendments would be addressed and that they would put an outside time limit for the consideration of those amendments.

Over my nearly three decades here, Mr. Speaker, I've seen that happen on a regular basis. Guess what? It has worked out pretty doggone well. Now, there are people who are disturbed over the fact that 127 amendments were filed yesterday at the Rules Committee to the Commerce, Justice, Science Appropriations bill. That was not necessary. That was not necessary, and it would not have happened had we had the standard open amendment process for the consideration of measures.

Yes, there are a number of very important issues that I and my colleagues believe should be addressed in this appropriations bill. I will say that it could be done under an open amendment process, but unfortunately, the majority has decided to not only have a preprinting requirement but to set an arbitrary deadline so that, if appropriations bills may be considered more than a day or so later, one could not file additional amendments for the consideration of the measure. In our attempt to get a commitment that we would simply be able to allow Members to make germane modifications to their amendments, we have been denied that.

In fact, we had a vote in the Rules Committee last night. I know, Mr. Speaker. I apologize. This is very inside baseball. I know I may not be quite on message, but I think the message is a very clear one: It's fairness in dealing with the challenges that the American people are facing. So we had

a party-line vote, Mr. Speaker. We had this vote, and we were denied the opportunity to allow Members to even make germane modifications to amendments that had been submitted to the Rules Committee.

Now, Mr. DIAZ-BALART is going to make an attempt to defeat the previous question. This vote on the previous question is one that will simply say that we, as an institution, want the American people, through their elected Representatives, to have the chance to think about, to deliberate and to vote on the measures included in this appropriations bill and we hope in the other I guess it is 11 now appropriations bills, in addition to the one that we're considering here today.

It is a troubling pattern which undermines deliberative democracy. Now, it's not unusual, but it is very troubling. I don't know how many amendments would have been offered if we'd had an open amendment process; but guess what? I don't believe, Mr. Speaker, for a second that 127 amendments would have been offered. I think there would have been many, many fewer than that. When the Members of this House, Democrats and Republicans alike, are told that they can't even make germane modifications to their amendments, there is little choice other than to have Members file many, many, many different amendments so that we will at least be able to allow this process to proceed.

Chairman OBEY referred to the fact that the issue of global climate change and the issue of health care are both issues that the Democratic majority wants to bring to the forefront in the next couple of months. We understand that elections have consequences, and those are issues that they clearly have a right to bring up. I want to address those issues. On our side, we want to address those issues in a slightly different way, but we don't believe that we should be addressing those issues at the expense of the very important process enshrined in article I, section 9 of the U.S. Constitution, and that is the power of the purse: the appropriations process.

□ 1600

So, Mr. Speaker, I am going to urge my colleagues to join Mr. DIAZ-BALART, the gentleman from Miami, in attempting to defeat the previous question in the name of deliberative democracy so that we can allow elected representatives to in fact represent their constituents. And if by chance the previous question is passed, I am going to urge my colleagues to join in opposition to the rule because we can do a better job.

Mr. ARCURI. Mr. Speaker, I thank my friend from California for sharing with us his thoughts. Clearly, his institutional knowledge of this grand institution is second to none. But there is one point that I think is important to clear up, and that is the fact that this bill has a preprinting requirement that

in no way, shape, fashion, or form means that anyone is precluded or prevented from filing an amendment. What it does, however, mean is that any amendment that an individual Representative files has to be filed by a certain period of time, and that was yesterday. That does one thing. And I would submit that that enables our constituents to have the very, very best legislation that they can because it does one thing, it gives the Representatives an opportunity to read that amendment to see what that amendment means and to have an opportunity to interpret it and determine whether or not it is the best thing for the bill or, in fact, whether it should be pulled.

Mr. DREIER. Would the gentleman yield?

Mr. ARCURI. If I could finish my thought.

So I would submit that, in fact, it is a good thing to have a preprinting requirement in this particular bill, and I would yield to my friend.

Mr. DREIER. I thank my friend for yielding, and I appreciate his kind remarks. And I will say that the gentleman is relatively new to the institution. And I would say that, frankly, since the gentleman has been here, we have not really had as many open rules as we should. I know that there has been an attempt made to define a modified open rule as an open rule—

Mr. ARCURI. If I may reclaim my time—

Mr. DREIER. I thank my friend for yielding. I look forward to getting some time from my friend from Miami.

Mr. ARCURI. The point of it is that this allows individuals to file. In fact, the fact that we have 127 amendments filed, much more than we've had in the past, certainly indicates that in fact Representatives have had an opportunity to file.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from California, a member of the Commerce, Justice and Science Subcommittee, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman for yielding.

I want to express my strong support for the Commerce, Justice and Science Appropriation bill and at the outset want to congratulate Chairman MOLLOHAN for the extraordinary job that he has done in putting this bill together.

In particular, I want to highlight a couple of key investments in the bill in the areas of law enforcement and science.

In particular, we invest over \$800 million in the COPS program that has been very successful in putting additional cops on the beat and deterring criminal activity and keeping our communities safe. That is a vital investment. The legislation also makes a very important investment to those of us that live in the border States in a program called SCAP, which provides assistance to States that have to incarcerate illegal immigrants and bear the

costs of flaws in our Federal immigration policy.

Furthermore, the bill makes a very key investment, very substantial investments in DNA technology and backlog reduction. To the degree we can eliminate backlogs of DNA evidence, we can take murderers and rapists off the streets. Of this there is no question: you can tell from a statistical certainty that when you reduce backlogs, you take murderers and rapists off the streets and prevent them from committing further offenses. This is another key investment.

And, finally, let me speak to a science investment in the bill which I think is also very important and that is this legislation keeps some of our most important space science efforts, like the Mars program, on track, which has brought us new, unprecedented information about the world we live in that has led to scientific improvements and innovation here on the ground and is a vital investment in our Nation's future.

So I want to thank you, Chairman MOLLOHAN, for your extraordinary work on this bill, for the key investments in law enforcement and science, and I urge my colleagues to support it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield again to the distinguished gentleman from California (Mr. DREIER) such time as he may consume.

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

Mr. DREIER. Mr. Speaker, I want to congratulate my California colleague, the gentleman from Glendale, Mr. SCHIFF, for his thoughtful remarks. And I want to say that he and I share our commitment to NASA and the very important programs that take place at the Jet Propulsion Laboratory. And that's the point. I mean, there are many important items in this bill which continue to be priorities.

I would like to say to my friend from Utica, who, again, is working very hard, he is very fortunate, Mr. Speaker, he has never had to serve in the United States House of Representatives as a member of the minority. My dream is that one day he might be able to serve as a member of the minority, and who knows how that will come out. I mean, it's always up to the voters to make that determination.

But I would say that those 127 amendments about which my friend referred and then I referred when I was in the well are amendments that I had to encourage our colleagues to file. Why? First, there were only 2 days, 2 legislative days, that this bill was out there. And if we had had an open amendment process, as I said, I can say with absolute certainty there would not be 127 amendments filed to this measure; again, maybe half that, maybe many fewer than that. And many of those amendments are duplicative. And the reason is that Members might find themselves in the same position as Mr.

BUYER did. And that's why I say my friend has served exclusively as a member of the majority; but if one day he is serving here as a member of the minority and were to receive the word that he could not make a minor, germane modification to his amendment, I think that he would understand the concern that we have.

Members on this side of the aisle represent just a little less than half of the American people. And they all have just as much right to be heard as Members of the majority. I recognize that the majority does rule in this place, but that does not mean that we should prevent Members from being able to participate in this process.

Mr. DIAZ-BALART has entered into the RECORD a document that was put forward in the 108th Congress by the now-chairwoman of the Committee on Rules, the then-ranking minority member. She, at that time, held the position that I have. And the document describes what we are using as our procedure for consideration of this measure as a "restrictive process."

Now, traditionally, Democrats and Republicans alike have called it a modified open rule. But the preprinting requirement, according to this document, blocks any amendment proposal that might emerge during the course of the debate. Now, those are not my words; those are the words of Ms. SLAUGHTER when she was ranking minority member on the Committee on Rules.

And so all I'm arguing, Mr. Speaker, is that in the name of deliberative democracy, this notion of saying that every Member has had an opportunity to look at this—2 legislative days—and the fact that 127 amendments were filed meant that there was this exhaustive analysis of the bill, I think, is not an accurate way to characterize it.

The 127 amendments were filed—I believe that many of those 127 amendments were filed because we are not having what has been the longstanding tradition allowed to Members of this House, and that is an open amendment process for consideration of the measure. And that's why, again, I urge my colleagues to vote with Mr. DIAZ-BALART in opposition to the previous question. And when that is defeated, make in order his amendment that would simply allow Members to have the right to make germane modifications to their amendments.

I also submit for the RECORD a copy of the announcement I posted on the Committee on Rules Republican web site, instructing Members of the restrictions created by a restrictive pre-printing rule and giving them guidance about how best to preserve their right to have amendments considered.

MAJORITY RESTRICTS AMENDMENT PROCESS FOR COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS BILL

Earlier today, the Majority announced that next week the House will consider H.R. _____, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

However, unlike consideration of virtually all of appropriations bills during the years of

the Republican Majority, the Democratic Majority has announced its intention to restrict the amendment process by requiring all amendments to be pre-printed in the Congressional Record by the end of the legislative day on June 15, 2009. Members should be aware that this deadline allows barely 2 legislative days to draft and submit amendments for printing.

This is a subtle—yet extremely significant—departure from the long-standing, bipartisan tradition of considering most of the regular appropriations bills under completely open rules. This change means—

Members must file their amendments by the deadline announced by the Majority, or they will not be able to offer their amendments;

If the amendment is not printed in the Congressional Record by the deadline (perhaps due to space limitations imposed by the Government Printing Office or other printing problems), Members will not be able to offer their amendments;

If the Office of Legislative Counsel is unable to keep up with the demand for drafting amendments by the deadline, those Members will be unable to offer their amendments;

If Members need to change their amendments during the process (for instance, if an offset is stricken by an earlier amendment), they will not be permitted to do so;

If a bill is considered over multiple days, Members will not be able to offer amendments if they are printed after the deadline announced by the Majority, even if the bill is still being debated;

In many cases, Members will have to file amendments without the benefit of a review by the Office of the Parliamentarian or the Congressional Budget Office, and may not receive early notice on possible points of order; and,

If Members need to change their own amendments to correct technical errors or reflect a negotiated change, they will not be permitted to do so, except through unanimous consent. The Majority has demonstrated that it is openly hostile to allowing Members to make technical corrections on the floor after an amendment has been printed.

Members and staff are encouraged to watch the video on our website entitled "The Problem with Pre-Printing" which demonstrates some of the problems that can arise from a pre-printing rule. You may also wish to review the materials dealing with appropriations bills which are part of our Parliamentary Boot Camp educational series and our fact sheet on pre-printing amendments in the Congressional Record.

In order to assist Members in bringing their ideas to the floor even with this restrictive amendment process, the Rules Committee Republicans suggest the following:

1. Make sure the amendments are printed by the deadline. This is the most important element of a pre-printing rule. Unlike years past, where the rule simply required that the amendment be printed in the Congressional Record at any point during consideration of the bill, the Democratic Majority has set hard deadlines for pre-printing, meaning that you may be deprived of the opportunity to offer your amendment if you miss the deadline, even when the bill is considered on multiple days.

2. Coordinate with the Republican staff of the Appropriations Committee. They will do their best to advise you on possible procedural problems (including compliance with the Budget Act), even if they disagree with the substance of your amendment.

3. File multiple versions of amendments. If you are concerned about possible points of order that may lie against your amendment,

such as budget act violations, violations of "legislating on appropriations bills," or other similar points of order, you should file multiple versions of the amendment to give yourself options if you want to offer it. If it is not printed, it cannot be offered.

4. In a pinch, don't be afraid to draft your own amendment. While the Office of Legislative Counsel provides excellent, nonpartisan advice and drafting services, they are not always able to provide drafted amendments by the printing deadline. If they are unable to provide assistance by the deadline, prepare the amendment in your own office and submit it. While it is advisable, there is no requirement that amendments be drafted by the Office of Legislative Counsel.

5. Amendments should be drafted with relative references instead of page and line numbers. The Majority has posted the text of the bill on the Rules Committee's website, but this is not the final version of the bill. When printed by GPO, the page and line numbers will likely change. By drafting references relative to the rest of the bill (i.e., "In the second sentence of the paragraph captioned . . .") you will protect yourself against changes resulting from the printing process.

6. Consult with the Parliamentarians, CBO, and the Budget Committee. Even if an amendment is printed in the Record by the deadline, it is still subject to potential points of order or Budget Act violations. However, if you cannot get an answer from these offices by the deadline, you should still file the amendment for pre-printing and continue to pursue your inquiries.

The Republican staff of the Committee on Rules stands ready to assist your offices in dealing with this restrictive amendment process. Should you have any questions, please contact the Republican staff of the Committee on Rules at x5-9191.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia, the distinguished chairman of the Commerce, Justice and Science Subcommittee, Mr. MOLLOHAN.

Mr. MOLLOHAN. I thank the gentleman for the time.

Mr. Speaker, I rise in support of the rule. I think it is a fair rule and comprehensive. And, Mr. Speaker, I want to point out the effort that went into fashioning this bill, which was very exhaustive and very inclusive of all parties.

During the review process, Mr. Speaker, for this bill, the fiscal year 2010 budget request for the Commerce, Justice and Science and Related Agencies Appropriation bill, the subcommittee had a total of 24 budget hearings. I understand that we didn't get the budget request until late this year, but we had budget hearings even before we got the request and budget hearings even after we got the request.

The subcommittee received testimony from Members of Congress—many Members of Congress inducted this process early on before we marked up—and some 68 outside witnesses. This testimony was crucial to our fashioning the bill, and the thoughts and the concerns of those who contributed are incorporated in this bill. In addition, officials of the administration representing all of the Departments in the bill one way or another inducted the legislation by testimony or otherwise.

And this year in particular, Mr. Speaker, the subcommittee focused on a series of hearings on investments for all facets of the scientific enterprise—climate science and mitigation—as well as prisoner reentry programs, recidivism reduction, and criminal justice reform.

Mr. Speaker, we focused on some of those areas because we felt that in the past there had been neglect, and that we needed, for our economy and also for just appropriate operation of these agencies, that additional funding was needed.

In brief, the bill totals \$64.4 billion, which is an increase of \$6.7 billion over last year, and it's \$200 million below the President's request. The bill provides \$30.6 billion for investments in science, technology, and innovation, an increase of \$1 billion over comparable levels from last year.

I think there is a consensus that investments in science technology and investments in innovation are comparable to economic development necessary for us as we prepare for the new economy, as we work our way out of the recession that we find ourselves in. Investments in the new economy are crucial, and this committee that funds science is at the center in the critical path of that effort.

Within this level, the bill provides \$6.9 billion for the National Science Foundation and \$18.2 billion for NASA. For NIST, the bill provides \$781 million, and NOAA is recommended at \$4.6 billion. The committee's recommendation continues to provide the resources consistent with the doubling path identified.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. MOLLOHAN. It also considers the science and research conducted at NOAA and NASA as critical to the Nation's science enterprise.

Mr. Speaker, I commend the Rules Committee for fashioning a rule that recognizes, first, the welcoming input that this committee has had from our colleagues throughout the process. The minority has been fully a part of the process. We very much appreciate Mr. WOLF's contribution to the bill. Many of his thoughts—I can't think of one that's not incorporated in the legislation one way or another. He was a former chairman of this subcommittee, and therefore his contribution and his insight is particularly beneficial, and we appreciate that contribution.

I support the rule, Mr. Speaker, and hope that our colleagues will as well.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve the balance of our time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Again, I would like to thank the distinguished gentleman from New York for his ongoing leadership, and that of the Rules Committee.

I join with the chairman of the Subcommittee on CJS, Mr. MOLLOHAN, in congratulating the Rules Committee for constructing this rule, but I also congratulate Chairman MOLLOHAN and Ranking Member WOLF for a constructive overview of important issues that, as a member of the House Judiciary Committee, I have great concern about.

And so I rise to support the rule, but I also want to offer my underlying support for the Community Oriented Policing bill. I was an original cosponsor on the COPS bill out of Judiciary, led by Mr. WEINER. This is an important stopgap for crime across America helping our law enforcement.

As an original long-standing supporter of the Office on Violence Against Women and the VAWA Act, starting with Chairman Hyde, who served so ably in this body, I am delighted to see that we have \$11 million more than 2009, with \$400 million.

□ 1615

In addition, it is important to note the Second Chance Act. Wherever I go, Mr. Speaker, I'm having ex-offenders who want to straighten their life out, who want to get back with their families, who need mental health services, and they truly need to have the second chance. I hope that we can ensure that this makes it through the Senate, comes into conference, and we get this money out so that we can redeem Americans who want to get back on the right track. This is an important issue to be involved in.

I also want to speak about an issue that is very near and dear. I am a member of the NASA Action Team. And we note that the space exploration, human spaceflight, has gotten a mark out of this committee of \$400 million less than the President's mark. First, I'm delighted that the President has nominated General Bolden, who is in line to be the next NASA Director. But to my colleagues, it is important to note that we're not just talking about money going into space; we're talking about the International Space Station, which I have watched being built in my 12 years as a member of the Health Science Committee.

We have an opportunity now to be at the cutting edge of climate research, the cutting edge of health care research and heart disease, HIV, and cancer on the International Space Station. The only way we can communicate visibly and reasonably to provide that kind of human component, human resources, is to have human spaceflight.

So I ask my colleagues, as we consider this bill, to consider the fact that it is not, in essence, money that flies into space but real investment in America's genius and America's science, America's innovation, America's job creation, the very message of this President.

I'm disappointed that this mark is less than the President's mark and would hope to be able to present my

side of the story, if you will, to this august body. But I want to work with my colleagues to ensure that we know that this is out of sincerity and recognition of the vitality of science. I'm very pleased with the money that has been put into climate measures, money put into NOAA because I come from the gulf region.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ARCURI. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. I thank the gentleman from New York.

Mr. Speaker, I realize how important it is to have these other elements of science. As I indicated, the \$1.3 billion, including \$150 million to deal with space-based climate measurements, is important. For those of us who are in the gulf region, the issues dealing with hurricanes and climate control and NOAA are very important, and the National Science Foundation.

But let us work together as we look at science in its totality to view the International Space Station as something we created, something we built. This massive football field that is in space is a miracle, in essence. Let's utilize it in a vital way by supporting our human spaceflight.

I thank my colleagues and I ask my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my friend Mr. ARCURI for his courtesy and all who have participated in the debate on the rule for bringing this appropriations bill to the floor.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow Members who have preprinted their amendments, as specified in the rule, to make germane modifications to their amendments.

As I mentioned in my opening remarks, this restrictive rule we are considering today will not allow Members from amending their own amendments, even if they are simply trying to correct a minor drafting error or make changes to the amendment to comply with the rules of the House. One of the reasons we have so many amendments filed is because Members have filed duplicative amendments to avoid the possibility of errors such as this.

In order to make sure an amendment complies with the rules of the House, Members must consult with four different offices: the Office of the Legislative Counsel, the Parliamentarian, the Congressional Budget Office, and the Budget Committee. If any of those offices find an issue with an amendment, then the Member has to make changes to the amendment. This becomes particularly difficult when Members are only given an average of 2 legislative days to draft their amendments and consult all the relevant offices and make changes and then consult with the offices again. Given this scenario, it is quite plausible that a Member didn't have enough time and included a

minor drafting error and that, for example, is not caught until it is too late. We saw it last year with an amendment by Mr. BUYER on the Military Construction and Veterans Affairs appropriations bill. So as to not have a repeat of that unfortunate incident, I propose to change the rule to allow Members to make germane changes to their amendments.

I remind Members that by voting "no" on the previous question, Members will not be voting to kill or to delay the underlying Commerce, Justice, Science Appropriations bill. I encourage all of my colleagues on both sides of the aisle to vote "no" on the previous question so that Members will be given the opportunity to make changes to their amendments if necessary.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for his courtesies in this debate and for his very able management of this rule.

Mr. Speaker, on my opening remarks, I chose to focus on the criminal justice programs that are funded under H.R. 2847, but there are many other important areas addressed in this legislation, and we have heard about many of those during the debate. In closing, I would like to take the opportunity to discuss another of these that is of utmost importance to America.

The bill includes \$293 million for the Economic Development Administration, which is \$20 million above the amount enacted in 2009. The EDA administers several economic programs, including public works grants for upgrading infrastructure, planning, and trade adjustment assistance for communities that bear the burden of jobs outsourced to other countries.

H.R. 2847 includes more than \$158 million for the Economic Development Administration's Public Works Program, \$25 million more than last year. H.R. 2847 also makes critical investments in scientific research and NASA's space program. The bill includes \$6.9 billion for the National Science Foundation. This level of funding will support the doubling of NSF's budget over the next 10 years and represents a true commitment to investment in basic research and development which will provide for innovation and future technologies to help the United States be competitive.

H.R. 2847 includes over \$18.2 billion for the National Aeronautics and Space Administration. NASA's unique mission is to pioneer the future in space

exploration, scientific discovery in aeronautics research, and this appropriation enables them to accomplish this mission. This recommendation also provides for the continued efforts of NASA's Mars exploration and provides funds for the completion of the Mars science laboratory to launch in 2011. Exploration has always been critical to mankind. We live in America today because of exploration. We must continue to explore the new frontier for future generations.

In closing, Mr. Speaker, I would remind my colleagues that so far we have discussed only a handful of the important programs that are funded by the fiscal year 2010 Commerce, Justice, Science Appropriations bill. I urge my colleagues to vote in favor of the rule and the underlying bill, H.R. 2847. I urge a "yes" vote on the previous question and on the bill.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 544 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

On page 2, line 21, after "if printed," insert the following new sentence, "The proponent of each such amendment may make germane modifications to such amendment."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the

Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of House Resolution 545, by the yeas and nays;

ordering the previous question on House Resolution 544, by the yeas and nays;

adoption of House Resolution 544, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 545, on which the yeas and nays were ordered.