

Rogers (AL)	Shea-Porter	Titus	Boozman	Forbes	Lucas	Rogers (AL)	Shea-Porter	Titus
Rogers (KY)	Sherman	Tonko	Bordallo	Fortenberry	Luetkemeyer	Rogers (KY)	Sherman	Tonko
Rogers (MI)	Shimkus	Towns	Boren	Poster	Lujan	Rogers (MI)	Shimkus	Towns
Rohrabacher	Shuler	Tsongas	Boswell	Poxx	Lummis	Rohrabacher	Shuler	Tsongas
Rooney	Shuster	Turner	Boucher	Frank (MA)	Lungren, Daniel	Rooney	Simpson	Turner
Ros-Lehtinen	Simpson	Upton	Boustany	Franks (AZ)	E.	Ros-Lehtinen	Sires	Upton
Roskam	Sires	Van Hollen	Boyd	Frelinghuysen	Lynch	Roskam	Skelton	Van Hollen
Ross	Skelton	Velázquez	Brady (PA)	Fudge	Mack	Ross	Slaughter	Velázquez
Rothman (NJ)	Slaughter	Visclosky	Brady (TX)	Gallegly	Maffei	Rothman (NJ)	Smith (NE)	Visclosky
Roybal-Allard	Smith (NE)	Walden	Braley (IA)	Garrett (NJ)	Maloney	Roybal-Allard	Smith (NJ)	Walden
Royce	Smith (NJ)	Walz	Bright	Gerlach	Manzullo	Royce	Smith (TX)	Walz
Ruppersberger	Smith (TX)	Wamp	Broun (GA)	Giffords	Marchant	Ruppersberger	Smith (WA)	Wamp
Rush	Smith (WA)	Wasserman	Brown (SC)	Gingrey (GA)	Markey (CO)	Rush	Snyder	Wasserman
Ryan (OH)	Snyder	Schultz	Brown, Corrine	Gohmert	Markey (MA)	Ryan (OH)	Souder	Schultz
Ryan (WI)	Souder	Waters	Brown-Waite,	Gonzalez	Marshall	Ryan (WI)	Space	Waters
Sablan	Space	Watson	Ginny	Goodlatte	Massa	Sablan	Speier	Watson
Salazar	Speier	Watt	Buchanan	Gordon (TN)	Matheson	Salazar	Spratt	Watt
Sanchez, Loretta	Spratt	Waxman	Burgess	Granger	Matsui	Sanchez, Loretta	Stark	Waxman
Sarbanes	Stark	Weiner	Burton (IN)	Graves	McCarthy (CA)	Sarbanes	Stearns	Weiner
Scalise	Stearns	Welch	Butterfield	Grayson	McCarthy (NY)	Scalise	Stupak	Welch
Schakowsky	Stupak	Westmoreland	Buyer	Green, Al	McCaul	Schakowsky	Sutton	Westmoreland
Schauer	Sutton	Wexler	Calvert	Green, Gene	McClintock	Schauer	Tanner	Wexler
Schiff	Tanner	Whitfield	Camp	Griffith	McCollum	Schiff	Tauscher	Whitfield
Schmidt	Tauscher	Wilson (OH)	Campbell	Grijalva	McCotter	Schmidt	Taylor	Wilson (OH)
Schock	Taylor	Wilson (SC)	Cantor	Guthrie	McDermott	Schock	Teague	Wilson (SC)
Schrader	Teague	Wittman	Cao	Gutierrez	McGovern	Schwartz	Terry	Wittman
Schwartz	Terry	Wolf	Capito	Hall (NY)	McHenry	Scott (GA)	Thompson (CA)	Wolf
Scott (GA)	Thompson (CA)	Woolsey	Capps	Hall (TX)	McHugh	Scott (VA)	Thompson (MS)	Woolsey
Scott (VA)	Thompson (MS)	Wu	Capuano	Halvorson	McIntyre	Sensenbrenner	Thompson (PA)	Wu
Sensenbrenner	Thompson (PA)	Yarmuth	Cardoza	Hare	McKeon	Serrano	Thornberry	Yarmuth
Serrano	Thornberry	Young (AK)	Carnahan	Harper	McMahon	Sessions	Tiahrt	Young (FL)
Sessions	Tiahrt	Young (FL)	Carney	Hastings (FL)	McMorris	Sestak	Tiberi	
Sestak	Tiberi		Carson (IN)	Hastings (WA)	Rodgers	Shadegg	Tierney	
Shadegg	Tierney		Carter	Heinrich	McNerney			
			Cassidy	Heller	Meek (FL)			
			Castle	Hensarling	Meeks (NY)			
			Castor (FL)	Herger	Melancon			
			Chaffetz	Hereth Sandlin				
			Chandler	Higgins				
			Childers	Hill				
			Christensen	Himes				
			Clarke	Hinchey				
			Clay	Hinojosa				
			Cleaver	Hirono				
			Clyburn	Hodes				
			Coble	Hoekstra				
			Coffman (CO)	Holden				
			Cohen	Holt				
			Cole	Honda				
			Conaway	Hoyer				
			Connolly (VA)	Hunter				
			Conyers	Inglis				
			Cooper	Inslee				
			Costa	Israel				
			Costello	Issa				
			Courtney	Jackson (IL)				
			Crenshaw	Jackson-Lee				
			Crowley	(TX)				
			Cuellar	Johnson (GA)				
			Culberson	Johnson (IL)				
			Cummings	Johnson, E. B.				
			Dahlkemper	Johnson, Sam				
			Davis (AL)	Jones				
			Davis (CA)	Jordan (OH)				
			Davis (IL)	Kagen				
			Davis (KY)	Kanjorski				
			Davis (TN)	Kaptur				
			Deal (GA)	Kildee				
			DeFazio	Kilpatrick (MI)				
			DeGette	Kilroy				
			Delahunt	Kind				
			DeLauro	King (IA)				
			Dent	King (NY)				
			Diaz-Balart, L.	Kingston				
			Diaz-Balart, M.	Kirk				
			Dicks	Kirkpatrick (AZ)				
			Dingell	Kissell				
			Doggett	Klein (FL)				
			Donnelly (IN)	Kline (MN)				
			Doyle	Kosmas				
			Dreier	Kratovil				
			Driehaus	Kucinich				
			Duncan	Lamborn				
			Edwards (MD)	Lance				
			Edwards (TX)	Langevin				
			Ehlers	Larsen (WA)				
			Ellison	Latham				
			Ellsworth	LaTourette				
			Emerson	Latta				
			Engel	Lee (CA)				
			Eshoo	Lee (NY)				
			Etheridge	Levin				
			Faleomavaega	Lewis (CA)				
			Fallin	Linder				
			Farr	Lipinski				
			Fattah	LoBiondo				
			Filner	Loeb sack				
			Flake	Lofgren, Zoe				
			Fleming	Lowey				

NOES—4

Baird Cole
Barton (TX) King (IA)

NOT VOTING—10

Adler (NJ) Honda Sánchez, Linda
Alexander Kennedy T.
Bachmann Larson (CT) Sullivan
Harman Lewis (GA)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1705

Mr. COLE changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. BOSWELL

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Iowa (Mr. BOSWELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 2, not voting 15, as follows:

[Roll No. 355]

AYES—422

Abercrombie Baldwin Bilirakis
Ackerman Barrett (SC) Bishop (GA)
Aderholt Barrow Bishop (NY)
Akin Bartlett Bishop (UT)
Altmire Bean Blackburn
Andrews Becerra Blumenauer
Arcuri Berkley Blunt
Austria Berman Bocieri
Baca Berry Boehner
Bachus Biggert Bonner
Baird Bilbray Bono Mack

Barton (TX) Jenkins

NOT VOTING—15

Adler (NJ) Lewis (GA) Schrader
Alexander Murphy (CT) Shuster
Bachmann Neugebauer Sullivan
Harman Paul Young (AK)
Kennedy Sánchez, Linda
Larson (CT) T.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. CROWLEY) (during the vote).

Two minutes remain in this vote.

□ 1712

Mr. BURGESS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 17, 2009, I missed rollcall votes 351, 352, 353, 354 and 355 due to illness. Had I been present, I would have voted “aye” on all.

The CHAIR. The Clerk will read.

The Clerk read as follows:

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,200 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$299,870,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United

States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$4,340,000: *Provided*, That not to exceed \$2,800 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$13,000,000.

This title may be cited as the "Science Appropriations Act, 2010".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (P.L. 110-233), the ADA Amendments Act of 2008 (P.L. 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (P.L. 111-2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed \$26,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$367,303,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$82,700,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$440,000,000, of which \$414,400,000 is for basic field programs and required independent au-

dit; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HENSARLING:

In title IV, strike the heading "Legal Services Corporation" and both paragraphs under that heading including their subheadings.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1715

Mr. HENSARLING. Mr. Chairman, never in the history of Congress have so few voted so fast to spend so much and in debt so many. The Democrats are in a program to spend more money than we have seen in the history of this institution, and apparently they want very few speed bumps along the road to bankrupting America.

Thus, last night, almost three-quarters of the Republican amendments that would reform, improve government programs, make them more efficient, save the American taxpayer money were ruled out of order. But I suppose, in a modicum of respect for the democratic process, a handful of amendments were made in order. I suppose I'm happy that mine was one of them.

Mr. Chairman, recently, our President has said, Without significant change to steer away from an ever-expanding deficit and debt, we are on an unsustainable course. We have to take the painstaking work of examining every program, every entitlement, every dollar of government spending and ask ourselves, is this program really essential? Are taxpayers getting their money's worth? Can we accomplish our goals more efficiently or effectively some other way?

Why is this important? It's important because already we have seen spending out of control. We are seeing spending at levels that we have never seen before. The national debt will be tripled in 10 years. In just 10 years the national debt will be tripled. The Federal deficit has increased 10-fold, 10-fold in 2 years.

We've seen the taxpayer being forced to shoulder \$6,000 per household to fund

\$700 billion of bailout money, \$9,810 per household to fund a \$1.13 trillion government stimulus plan, \$3,534 per household to fund a \$410 billion omnibus plan, and the list goes on and on and on.

Mr. Chairman, you cannot bail out, borrow and spend your way into prosperity. So, in the spirit of what the President said, when we're looking at a Federal Government that consists of roughly 10,000 Federal programs spread across 600 agencies, at a time when American families are suffering in this economy, maybe, maybe we ought to take a look at a few and see if we can't sunset them so we can provide sunshine and morning to the budgets of the American family.

I believe the Legal Services Corporation is one such program. It hasn't been reauthorized in almost 30 years. The program has a history of waste, of fraud, abuse. Listen to a recent GAO report of last year: expenditures were insufficient in supporting documentation. Out of seven of the 14 grantees we visited, we identified systemic issues involving payments that lack sufficient supporting documentation that made it impossible to determine whether the expenditures were accurate, allowable, or appropriate.

Employee interest-free loans, one grantee we visited was using grant funds to provide interest-free loans to employees. Three grantees used legal services money to purchase alcoholic beverages. Lobbying fees, taxpayer money used for lobbying fees. This isn't me saying this, Mr. Chairman. It's the General Accountability Office. Again, a program of history of waste, fraud and abuse.

Now, I believe the line item in this budget, Mr. Chairman, is \$440 million. Now, we've got a choice. One, it's a program that's been unauthorized since 1980, reported instances of waste, fraud and abuse. And should we actually be taxing taxpayers to force them to subsidize their neighbors to turn around and sue them? I don't think so. I don't think so, Mr. Chairman.

Dollars have alternative uses. We can use \$440 million to save our children from this explosion of national debt, something, something that the majority leader once called fiscal child abuse. We could save small businesses at a time where we desperately need job creation, or the money could be put on automatic pilot, once again, and we could subsidize people so they could turn around and sue their neighbors.

Let's save the American Dream.

I reserve the balance of my time.

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

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

Mr. MOLLOHAN. As part of his argument in support of the amendment to strike all funds and language for the Legal Services Corporation, the gentleman appeals to our concern about the national debt.

Well, we all have a concern about the national debt, and it's all about priorities. This amendment would attempt to effect a balancing of the national debt or a reduction of it on the backs of those who are the absolutely least able to afford it and making an extremely small contribution in the process.

Now, more than ever, the Legal Services Corporation really needs a healthy Federal appropriation. Difficult economic circumstances across the country are driving record numbers of Americans under the income thresholds that establish eligibility for Legal Services Corporation. Fifty-one million Americans are now eligible for legal aid, including, Mr. Chairman, 18 million children.

At the same time, non-Federal funding sources for legal aid are declining as State budget deficits and pressures on private charitable organizations have reduced legal aid contributions by outside entities. Now is the very time that legal aid needs Federal support. LSC providers already turn away one out of every two eligible clients who seek assistance. So already, in a difficult economy, when those seeking legal aid are becoming increasingly eligible, we're turning away 50 percent of those who need the service.

With no Federal funding, as the gentleman has proposed in his amendment, Legal Services Corporation grantees would be forced to turn away even more clients who are in desperate need of help.

I urge Members to consider the true human impact of that proposal and oppose the amendment. And I go back to where I started. This is the wrong place to try to balance the budget, on the backs of those who are least able to make a contribution.

I oppose the amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIR. The gentleman has 30 seconds remaining.

Mr. HENSARLING. I yield myself the balance of my time.

Mr. Chairman, I heard the gentleman say that we all have concerns over the national debt. I must admit I haven't seen a lot of that concern on the other side of the aisle since they proposed a budget that will triple it in 10 years.

I didn't hear any answer to the charges of the Government Accountability Office about the waste, the fraud and abuse endemic in this program.

I would also point out to the gentleman, there are pro bono law firms, lawyers that work on contingent fees. There are other options besides taking money away from the Dublin family of Palestine, the Mock family of Athens, the Lilly family of Coffman that I represent in this institution. Their budget, their budget needs to be improved, not the legal services.

And I urge adoption of the amendment.

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

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

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

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

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

The CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$48,326,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,131,000, of which \$250,000 shall remain available until September 30, 2011: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for

public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than \$700,000,000 during fiscal year 2010 from the fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601).

SEC. 513. None of the funds made available to the Department of Justice in this Act

may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for

which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts:

(1) "Legal Activities, Assets Forfeiture Fund", \$285,000,000;

(2) "Federal Bureau of Investigation, Salaries and Expenses", \$50,000,000;

(3) "Federal Bureau of Investigation, Construction", \$80,822,000;

(4) "Office of Justice Programs", \$42,000,000; and

(5) "Community Oriented Policing Services", \$40,000,000.

(b) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 em-

ployees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at the Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

SEC. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended by striking paragraph (13).

SEC. 534. Notwithstanding any other provision of law, to the extent that the Attorney General (or a designee) authorizes or approves, if a law enforcement or corrections officer employed by the Department of Justice dies while performing official duties or as a result of the performance of official duties, the Department of Justice may pay from Government funds the qualified relocation expenses of the immediate dependent

family of the employee, and the expenses of preparing and transporting the remains of the deceased.

This Act may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010".

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 101, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIR. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I rise to attempt to be of some service to the Obama administration and others in the House that may be concerned about a decision he made not too long ago. And I'd ask unanimous consent that we put Executive Order 13492 in the RECORD at this point.

The CHAIR. Does the gentleman seek to offer an amendment?

Mr. LEWIS of California. Yes, I do.

The CHAIR. Will the gentleman specify the number of the amendment he wishes to offer?

Mr. LEWIS of California. It is amendment No. 118.

AMENDMENT NO. 118 OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 118 offered by Mr. LEWIS of California:

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

"SEC. . None of the funds made available in this Act may be used to implement Executive Order 13492, issued January 22, 2009, titled "Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities"."

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. LEWIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to have this executive order put in the RECORD at this point.

PRESIDENTIAL DOCUMENTS—EXECUTIVE ORDER 13492 OF JANUARY 22, 2009—REVIEW AND DISPOSITION OF INDIVIDUALS DETAINED AT THE GUANTÁNAMO BAY NAVAL BASE AND CLOSURE OF DETENTION FACILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to effect the appropriate disposition of individuals currently detained by the Department of Defense at the Guantánamo Bay Naval Base (Guantánamo) and promptly to close detention facilities at Guantánamo, consistent with the national security and foreign policy interests of the United States and the interests of justice, I hereby order as follows:

Section 1. Definitions. As used in this order:

(a) "Common Article 3" means Article 3 of each of the Geneva Conventions.

(b) "Geneva Conventions" means:

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949 (6 UST 3114);

(ii) the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949 (6 UST 3516).

(c) "Individuals currently detained at Guantánamo" and "individuals covered by this order" mean individuals currently detained by the Department of Defense in facilities at the Guantánamo Bay Naval Base whom the Department of Defense has ever determined to be, or treated as, enemy combatants.

Sec. 2. Findings.

(a) Over the past 7 years, approximately 800 individuals whom the Department of Defense has ever determined to be, or treated as, enemy combatants have been detained at Guantánamo. The Federal Government has moved more than 500 such detainees from Guantánamo, either by returning them to their home country or by releasing or transferring them to a third country. The Department of Defense has determined that a number of the individuals currently detained at Guantánamo are eligible for such transfer or release.

(b) Some individuals currently detained at Guantánamo have been there for more than 6 years, and most have been detained for at least 4 years. In view of the significant concerns raised by these detentions, both within the United States and internationally, prompt and appropriate disposition of the individuals currently detained at Guantánamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States and the interests of justice. Merely closing the facilities without promptly determining the appropriate disposition of the individuals detained would not adequately serve those interests. To the extent practicable, the prompt and appropriate disposition of the individuals detained at Guantánamo should precede the closure of the detention facilities at Guantánamo.

(c) The individuals currently detained at Guantánamo have the constitutional privilege of the writ of habeas corpus. Most of those individuals have filed petitions for a writ of habeas corpus in Federal court challenging the lawfulness of their detention.

(d) It is in the interests of the United States that the executive branch undertake a prompt and thorough review of the factual and legal bases for the continued detention of all individuals currently held at Guantánamo, and of whether their continued detention is in the national security and foreign policy interests of the United States and in the interests of justice. The unusual circumstances associated with detentions at Guantánamo require a comprehensive inter-agency review.

(e) New diplomatic efforts may result in an appropriate disposition of a substantial number of individuals currently detained at Guantánamo.

(f) Some individuals currently detained at Guantánamo may have committed offenses for which they should be prosecuted. It is in the interests of the United States to review whether and how any such individuals can and should be prosecuted.

(g) It is in the interests of the United States that the executive branch conduct a prompt and thorough review of the circumstances of the individuals currently de-

tained at Guantánamo who have been charged with offenses before military commissions pursuant to the Military Commissions Act of 2006, Public Law 109-366, as well as of the military commission process more generally.

Sec. 3. Closure of Detention Facilities at Guantánamo. The detention facilities at Guantánamo for individuals covered by this order shall be closed as soon as practicable, and no later than 1 year from the date of this order. If any individuals covered by this order remain in detention at Guantánamo at the time of closure of those detention facilities, they shall be returned to their home country, released, transferred to a third country, or transferred to another United States detention facility in a manner consistent with law and the national security and foreign policy interests of the United States.

Sec. 4. Immediate Review of All Guantánamo Detentions.

(a) Scope and Timing of Review. A review of the status of each individual currently detained at Guantánamo (Review) shall commence immediately.

(b) Review Participants. The Review shall be conducted with the full cooperation and participation of the following officials:

(1) the Attorney General, who shall coordinate the Review;

(2) the Secretary of Defense;

(3) the Secretary of State;

(4) the Secretary of Homeland Security;

(5) the Director of National Intelligence;

(6) the Chairman of the Joint Chiefs of Staff; and

(7) other officers or full-time or permanent part-time employees of the United States, including employees with intelligence, counterterrorism, military, and legal expertise, as determined by the Attorney General, with the concurrence of the head of the department or agency concerned.

(c) Operation of Review. The duties of the Review participants shall include the following:

(1) Consolidation of Detainee Information. The Attorney General shall, to the extent reasonably practicable, and in coordination with the other Review participants, assemble all information in the possession of the Federal Government that pertains to any individual currently detained at Guantánamo and that is relevant to determining the proper disposition of any such individual. All executive branch departments and agencies shall promptly comply with any request of the Attorney General to provide information in their possession or control pertaining to any such individual. The Attorney General may seek further information relevant to the Review from any source.

(2) Determination of Transfer. The Review shall determine, on a rolling basis and as promptly as possible with respect to the individuals currently detained at Guantánamo, whether it is possible to transfer or release the individuals consistent with the national security and foreign policy interests of the United States and, if so, whether and how the Secretary of Defense may effect their transfer or release. The Secretary of Defense, the Secretary of State, and, as appropriate, other Review participants shall work to effect promptly the release or transfer of all individuals for whom release or transfer is possible.

(3) Determination of Prosecution. In accordance with United States law, the cases of individuals detained at Guantánamo not approved for release or transfer shall be evaluated to determine whether the Federal Government should seek to prosecute the detained individuals for any offenses they may have committed, including whether it is feasible to prosecute such individuals before a

court established pursuant to Article III of the United States Constitution, and the Review participants shall in turn take the necessary and appropriate steps based on such determinations.

(4) **Determination of Other Disposition.** With respect to any individuals currently detained at Guantánamo whose disposition is not achieved under paragraphs (2) or (3) of this subsection, the Review shall select lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice, for the disposition of such individuals. The appropriate authorities shall promptly implement such dispositions.

(5) **Consideration of Issues Relating to Transfer to the United States.** The Review shall identify and consider legal, logistical, and security issues relating to the potential transfer of individuals currently detained at Guantánamo to facilities within the United States, and the Review participants shall work with the Congress on any legislation that may be appropriate.

Sec. 5. Diplomatic Efforts. The Secretary of State shall expeditiously pursue and direct such negotiations and diplomatic efforts with foreign governments as are necessary and appropriate to implement this order.

Sec. 6. Humane Standards of Confinement. No individual currently detained at Guantánamo shall be held in the custody or under the effective control of any officer, employee, or other agent of the United States Government, or at a facility owned, operated, or controlled by a department or agency of the United States, except in conformity with all applicable laws governing the conditions of such confinement, including Common Article 3 of the Geneva Conventions. The Secretary of Defense shall immediately undertake a review of the conditions of detention at Guantánamo to ensure full compliance with this directive. Such review shall be completed within 30 days and any necessary corrections shall be implemented immediately thereafter.

Sec. 7. Military Commissions. The Secretary of Defense shall immediately take steps sufficient to ensure that during the pendency of the Review described in section 4 of this order, no charges are sworn, or referred to a military commission under the Military Commissions Act of 2006 and the Rules for Military Commissions, and that all proceedings of such military commissions to which charges have been referred but in which no judgment has been rendered, and all proceedings pending in the United States Court of Military Commission Review, are halted.

Sec. 8. General Provisions.

(a) Nothing in this order shall prejudice the authority of the Secretary of Defense to determine the disposition of any detainees not covered by this order.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA,
THE WHITE HOUSE,

January 22, 2009.

As we all know, Mr. Chairman, the President signed Executive Order 13492 to close Guantánamo Bay detention facility in January. More than 4 months later, there is still no evidence of a plan to carry out this order and no consultation with the Congress. Yet the

administration is raising to move detainees, all the while withholding information from the Congress and the public.

First, let me say that last week a suspected plotter of the 1998 embassy bombings in Africa arrived in New York for a high-threat trial.

Second, last week, the government of Palau announced that it would accept some of the Uyghur detainees. Press accounts linked this announcement to some significant level of assistance on the part of the American government to Palau.

The Uyghur detainees are affiliated with a listed terrorist group and received weapons training in camps in Afghanistan run by leaders affiliated with al Qaeda. To say the least, we ought to be concerned about any group that's been trained under those circumstances.

Finally, last week, the Department of Justice announced that four of the Uyghur detainees have been resettled in Bermuda, a visa waiver country.

The Congress and the American people found out about these actions and efforts after the fact.

And there is more. Three detainees have already been transferred to Saudi Arabia, one to Chad and one to Iraq. And we are hearing rumors about possible deals with Yemen, Italy and Albania.

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All of this has been done without an assessment of the risks to the American people at home and abroad or without an assessment of the risk to our U.S. forces by such releases. The Guantánamo detainees include the perpetrators of some of the most horrific terrorist acts against Americans, including 9/11, the USS *Cole* bombing, and the Embassy bombings in Africa.

Director Mueller of the FBI attested to Congress 3 weeks ago that bringing detainees to U.S. soil poses risks to national security, including providing financing, radicalizing others and undertaking attacks in the United States. Additionally, the Department of Defense has reported that at least 14 percent of former Guantánamo detainees have returned to terrorist activity in the region. To say the least, we ought to be concerned about the release of people of that kind who threaten our interests anywhere in the world.

This administration is ignoring or is disregarding those risks, and it is stonewalling the Congress. We need to stop this administration from rushing to transfer or to resettle anymore detainees at the expense of an increased risk to Americans. We need to help the President simply fulfill his campaign promise.

The President has been very busy since his inaugural. There is little question he has been down many a pathway, and he has even found that some of those pathways might very well have been mistakes. Well, this is a case where I believe a decision was

made without its being carefully thought through, let alone knowing the serious implications of the actions to be taken. We are attempting by this amendment to help the administration rethink that decision that they have made.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment which would essentially prohibit any funds to be spent with regard to the implementation of the Executive order requiring the closure of the detention facilities at Guantánamo Bay.

I believe that the closing of Guantánamo is the right policy decision. The President believes that, and the President has acted on that. It's an embarrassment to the country. It's a symbol that has really fomented a lot of opposition to the United States around the world. The continued existence of Gitmo is a basic assault on our values, and it undermines the success in our counterterrorism programs.

President Obama and I aren't the only ones who believe this. Secretary Gates, Admiral Mullen and the Nation's top civilian and military defense officials agree that it should be closed. Also, both President Bush's Secretaries of State and a variety of other bipartisan political officials agree that it should be closed. So this is a bipartisan position.

We have already clearly communicated to the White House that they must submit a plan showing how they intend to proceed. The White House has agreed, and I am confident that their plan will show a reasonable path forward.

The bill before you today, Mr. Chairman, includes provisions to ensure that the Congress will have sufficient opportunity to weigh in on that plan, when it is submitted, and to preclude most activities prior to that. This legislation before us tonight does not permit the release of Gitmo detainees into the United States during fiscal year 2010. It does not permit the transfer of detainees to the U.S. for detention or prosecution purposes until 2 months after we've received the plan. It does not permit the transfer of detainees to foreign countries without notification and certifications to the Congress, and it does not provide any funds for activities relating to the Gitmo closure. This will ensure that we have additional opportunities to debate this issue when the administration requests a budget amendment or a supplemental to fund this plan.

We have established a good process for the consideration of this issue, and it should be allowed to play out before we start prejudicing a plan that we don't even have before us. This bill posits this issue in a good way. I oppose the amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of my time to my colleague from Kansas (Mr. TIAHRT).

The CHAIR. The gentleman from Kansas is recognized for 1½ minutes.

Mr. TIAHRT. I thank the gentleman from California.

Mr. Chairman, this is a very important amendment. I think it's very important that we understand what is at play here.

The current plan by the President through executive order is to close Guantanamo Bay down. Now, this facility is a state-of-the-art, modern facility. It includes the right strategy as far as the layout of the facility. It also has a modern, new courtroom—a state-of-the-art courtroom—well-suited to handle the challenges that we have in trying to deal with these detainees, these self-proclaimed terrorists.

Now, I've been to Guantanamo Bay twice. I've been to other facilities, like Fort Leavenworth. The idea of moving these self-professed terrorists to American soil is a bad idea. It is a worse idea to put them in our prisons. We've had two incidences within the last month where American citizens have been recruited by radical Islamists in our own prisons. When they were released, they committed acts of terror in our country. It is a bad idea to send these detainees to our prisons. It is a terrible idea to send them to our American streets.

Now, this prison cost less than \$100 million to build. Yet the President's plan, as reported, is to send some of these Uyghurs, some of these Chinese terrorists, to Palau, and we are going to give the Nation of Palau \$200 million to take care of the Uyghurs—only 17 of them. This does not make financial sense. It does not make sense for our culture or for the safety of our people here in America.

One of the excuses that I've heard is that, Well, we've got to close Guantanamo Bay because it's used as a recruiting tool. Well, let me tell you: On September 11, 2001, Guantanamo Bay did not exist. It was not used as a recruiting tool. What have been used as recruiting tools are the pictures of these detainees, themselves. Yesterday's bill, the supplemental, which was passed by this House against my vote, did not prevent the release of detainee photos. Those will be used. Those will be used to recruit other terrorists, so don't give us that as an excuse as why you've got to close Guantanamo Bay.

Financially, it makes sense to keep it open. As far as the safety of our country, it makes sense to keep it open. So pass this amendment. Do the right thing for our country. Vote for the Lewis amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

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

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 69 OFFERED BY MR. TIAHRT

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 69 offered by Mr. TIAHRT: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to obligate, or pay the salary or expenses of personnel who obligate, funds made available under the following headings in title II of division A of Public Law 111-5:

(1) "Economic Development Administration—Economic Development Assistance Programs".

(2) "National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program".

(3) "National Institute of Standards and Technology—Construction of Research Facilities".

The CHAIR. Pursuant to House Resolution 552, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, earlier this year, the Obama administration told us the stimulus bill was going to be the salvation of our economic woes. They predicted unemployment would top out at 8 percent, and they claimed that jobs would be created or saved immediately. Well, there has been a significant amount of time since it was passed, and our economic woes haven't changed. In fact, the numbers are in stark contrast to what we see today.

Unemployment now is at 9.4 percent, and it is headed toward double digits. Just this week, CNN reported that Americans saw \$1.3 trillion of wealth vaporize in the first quarter of 2009. Despite the massive government spending, foreclosures continue. Car dealerships are closing and layoffs continue. Home values have continued to decline, and the stock market is down 40 percent from last year.

Our government is borrowing money it does not have. It is inflating programs and projects we do not need. Recently, it was reported that over 100 wasteful projects were funded through this stimulus bill.

There is a project that includes thousands of signs, at \$300 each, to brag about the projects paid for under this bill. There are projects here that could have been funded under regular order. There is \$2.2 million for a State-run liquor warehouse to put skylights in the installation. There is \$3.4 million for road tunnels for turtles. Tunnels for turtles. Now, it seems like maybe the turtles will need the signs to find the tunnels. There is over \$40 billion in a State slush fund, and there is money for education. Secretary of Education

Duncan has admitted he doesn't know how to spend it.

This is your stimulus money at work here in America. Taxpayers don't understand why so much money is being wasted so quickly with nothing to show for it. My amendment on the floor today would keep a quarter of \$1 billion from our deficit by taking the stimulus dollars to pay for this legislation and for other legislation. Now, at a time when Americans are pulling back on their spending and are saving more, our government should do the same.

In the first quarter of this year, household debt fell by an annual rate of 1.1 percent, which is \$13.8 trillion. Instead of following our constituents' actions, though, our government continues to spend money that we do not have. When our government spends money that we do not have, one of two things happens: either we borrow it from countries like China—and since China isn't buying our debt now, the other solution is that our Federal Government prints money. We have had the Fed pump over \$1 trillion of new money into our economy. The problem with the infusion of new money into our economy like this is that it causes inflation. When you have more money available for, roughly, the same amount of goods, you get inflation. The equation is very simple. The more money we print, the less our money is worth.

Inflation hits our retired Americans the worst. They're on fixed incomes. It hits the working poor the hardest—people who are just getting by. When you take purchasing value away from them, they're worse off. These Americans have worked too hard for their money to see the actions of the Federal Reserve drastically reduce its value.

Our economic instability and uncertainty is making America's bonds toxic. Even countries like China and Brazil are turning up their noses at U.S.-held securities in favor of International Monetary Fund bonds.

Let's follow our constituents' lead. Let's slow the Treasury's printing press. Let's cut up our Chinese credit card and act responsibly by repealing the portion of unobligated funds in the stimulus and pay for the portion of this bill today before us.

I reserve the balance of my time.

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

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

Mr. MOLLOHAN. Mr. Chairman, I oppose this amendment.

I scratch my head as I did in full committee. Why would the gentleman be offering an amendment to jerk the rug out from under the Recovery Act at a time when the Recovery Act is beginning to stimulate and to help the recovery of our economy in the Nation? It is just the wrong time to do this, and

I still question the gentleman's logic in this.

Mr. TIAHRT's amendment attempts to prevent the obligation of Recovery Act funds for the Economic Development Administration. If there is one agency in the Federal Government that is focused on fomenting economic development, it is the Economic Development Administration. This agency is charged with stimulating economic development in areas that are most needy head on and the amendment is trying to undermine its ability to do its mission.

NTIA's digital-to-analog converter box program is attacked, as is the NIST research construction account. There is criticism in a lot of areas, and certainly in some quarters on the other side of the aisle, by those who oppose the Recovery Act, that funds are not getting out quickly enough for construction. Those are the areas that demonstratively provide real jobs in real time.

So it's unclear why Mr. TIAHRT is singling out these agencies when so many other agencies in this bill also receive funds under the Recovery Act. It is the wrong time to reach back and to try to undo the stimulus package at a time when the economy is recovering. Recovery is measured by a lot of things—by the recovery in the credit markets, by improvements in the capital markets.

Mr. Chairman, I rise in opposition to the amendment. It is an unwise time to do this, and I would hope that the body would oppose the amendment.

I reserve the balance of my time.

Mr. TIAHRT. How much time is remaining, Mr. Chairman?

The CHAIR. The gentleman from Kansas has 2½ minutes remaining.

Mr. TIAHRT. Mr. Chairman, the reason that we would repeal the Recovery Act, or the stimulus bill, is that it simply doesn't work.

In the 1930s, we tried a similar philosophy. We borrowed money from other countries and we started programs that had never before been tried, and throughout the 1930s, we had double-digit unemployment. In May of 1939, Secretary of the Treasury Morgenthau said that we have borrowed all of this money; we have spent all of this money, and we have nothing to show for it. The Recovery Act does not work.

In the 1990s, Japan tried the same thing. They had a recession. They borrowed money. They started government programs, and it didn't work there either. They call that their "lost decade" where the average per capita income in Japan went from 2nd in the world to 10th in the world.

□ 1745

If you want something that works, it's not borrowing money and spending money. Instead, we need to provide opportunity for our economy. Four out of five jobs in America are small business jobs. We need to provide small business jobs. Remember, General Motors start-

ed out in a garage, Boeing started in a barn, Pizza Hut started in a building that's smaller than your office, because they had opportunity. And we can provide opportunity without borrowing money from China or printing new money at the Treasury. We can do it by reforming our regulations, put them on cost-based analysis. We can do it by reforming our health care, making it market based. We can do it by reforming our litigation policy, using loser pays. We can do it by lowering our taxes and making capital welcome in America.

Capital is a coward, and we are scaring it off. And you can't create an economy that is strong and recoverable if you don't create small business jobs. So if you really want to do it, you can do it on the cheap and do it successfully.

If you want to borrow this money and force this debt on our kids, this \$250 billion, then you can go ahead with this plan. But there is something better. There is an alternative that actually works, and historically it's proven.

So what we want to do is repeal the Recovery Act, the stimulus bill, and provide the opportunity to allow America to grow because when America grows and our economy grows, the Federal revenue grows.

That's how we balanced the budget in 1990s. It wasn't Bill Clinton's budget. It was the House of Representatives coming up with opportunity for small businesses. We limited the growth in government, and we saw our economy expand at over 7 percent per year. And that's how we balanced the budget. We can do that again if we just start by getting some common sense and repeal the unobligated funds in the Recovery Act.

The CHAIR. The time of the gentleman has expired.

Mr. MOLLOHAN. Mr. Chairman, I would close by repeating again that this is the wrong time. The markets are improving. Credit is being reestablished. Confidence in the economy is increasing. This is the wrong time to jerk the rug out from under the stimulus package, which has gone a long way in achieving this progress. I oppose the amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

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

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

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

AMENDMENT NO. 102 OFFERED BY MR. CUELLAR

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 102 offered by Mr. CUELLAR:

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

SEC. 535. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "Energy Star" or "Federal Energy Management Program" designation.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

First of all, I want to thank Chairman MOLLOHAN for the leadership that he has provided on this particular bill, along with the ranking member on this particular bill.

I rise today in support of my amendment to ensure long-term taxpayer savings. This amendment will make certain that no lightbulbs will be purchased using funds appropriated under this bill that do not meet the ENERGY STAR or the Federal Energy Management Standards.

As you know, Mr. Chairman, this amendment would ensure that the Federal Government makes a long-term investment in lowering costs to taxpayers on inefficient technology. ENERGY STAR lightbulbs have been proven to use less electricity and last longer, saving taxpayers dollars on both counts.

Americans know that regular lightbulbs waste almost 90 percent of the energy on generating heat instead of light. ENERGY STAR lightbulbs, which use compact fluorescent light, provide the same light as a standard bulb but use 75 percent less energy and last 8 to 12 times longer.

I know this amendment was approved in past appropriations, and this House accepted this amendment included in the fiscal year 2008 Legislative Branch Appropriations.

I want to thank Mr. UPTON, Ms. HARMAN, and Mr. INGLIS. Both Democrats and Republicans have supported this particular amendment.

Mr. Chairman, at this time I yield to the chairman.

Mr. MOLLOHAN. I thank the gentleman.

I commend him for his efforts in this area, environmentally conscious, and I appreciate his contribution to our bill.

Mr. Chairman, we accept the amendment.

Mr. CUELLAR. If there is no opposition, I will stand with the chairman's recommendation.

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

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

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

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 96 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 96 offered by Mr. PRICE of Georgia:

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

SEC. ____ Appropriations made in Title II of this Act are hereby reduced in the amount of \$100,000,00.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this is a simple amendment that says that we ought to take \$100 million, we ought to adopt the President's challenge to the departments, and we ought to save, remove, \$100 million from the Department of Justice in this bill.

On April 20 the President held his first Cabinet meeting, and he charged the members of his Cabinet with finding \$100 million out of their departments in savings. This was to try to live up to his promise of going through the budget line by line.

It's important, Mr. Chairman, to put \$100 million in context: A \$100 million reduction in the President's budget would be 1/40,000th of the Federal budget, 1/7,830th of the size of the "nonstimulus" bill adopted earlier this year, 1/1,845th of this year's budget deficit reduced. It would be the amount that the Federal Government spends every 13 minutes. Mr. Chairman, \$100 million is what the government spends every 13 minutes.

Don't you think we could find \$100 million, what we spend every 13 minutes, as savings? It's the equivalent of a family that earns \$40,000 cutting a dollar out of their budget.

Mr. Chairman, in the context of this bill, it's even more striking. From fiscal year 2008 numbers to this proposal here on the table, a 24.2 percent increase, that's a \$13 billion increase, and \$100 million is less than 1 percent.

Mr. Chairman, it just makes sense, while the American people are struggling, while the American people are tightening their belts, while they're clamoring for us to be fiscally responsible and not spend any more of their money, to save \$100 million, find \$100 million. Can't we do just that?

I urge my colleagues to support this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I oppose this amendment.

At this funding level, the bill supports more than \$585 million in increases for counterterrorism and intelligence programs. At the same time, the bill makes long overdue reinvestments in traditional Department of Justice missions like drug and firearms enforcement, regulation of the marketplace, protection of civil rights and liberties, support of the judicial process and State and local assistance. Specific initiatives include: \$63 million for new funding to address white collar crime; \$24 million in new funds to reinvigorate and expand civil rights enforcement; \$71 million to improve the safety and security of inmates and guards in Federal prisons; \$345 million in new funds to safeguard the Southwest border, address the Mexican cartel violence, and support activities of the Department of Homeland Security; and \$3.4 billion in grant funding for State and local enforcement assistance, including \$298 million to put additional police on the beat, \$100 million for prisoner reentry initiatives, and \$94 million for tribal law enforcement.

These investments are absolutely necessary, unlike what the gentleman has suggested that somehow they're unnecessary, that somehow this is change that can be found, and these programs can be cut. In fact, what we are doing is reinvesting in the law enforcement infrastructure of this country on the border, in our cities, and in the issues of white-collar crime.

I would hope that he would understand that this is an essential part of this legislation and that this was carefully crafted as we consulted with people across the various jurisdictions within these institutions to make sure that we could, in fact, provide them to be secure and to serve the needs of this Nation. I think this has been a good-faith effort to do that, and I would hope that we would reject this amendment.

I ask for a "no" vote.

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

Mr. PRICE of Georgia. Mr. Chairman, carefully crafted? Carefully crafted? A 24.2 percent increase, \$13 billion increase, carefully crafted?

I never suggested that these programs weren't important. What I suggested, Mr. Chairman, was that out of the entire budget of the Department of Justice, can we not save a penny on a dollar? Can we not save a penny on a dollar when the American people are struggling across this land to find pennies that the Federal Government is stealing from them? Can we not just save a penny on a dollar? It's a simple thing to do, Mr. Chairman.

I urge my colleagues to support this amendment.

Mr. Chairman, I am pleased to yield to my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, as someone who served as a judge and a

chief justice and had it constantly drubbed into my head during hours and hours and hours of ethics classes about the appearance and potential conflicts of interest, we know that our chairman was deservedly getting accolades from crew and others for recusing himself in 2007 because of the reported investigation by the Department of Justice.

This is an elephant in the room. The Department of Justice budget is being dealt with here, and there has been no indications that there has not been an investigation. So I'm hoping that the record can be clear because it does look funny, it smells bad, if someone's under investigation and they're managing the budget for those who are doing the investigation.

I thought it was a wonderful thing that Chairman MOLLOHAN did in 2007. He deserved the accolades he got for recusing himself. And I was wondering, and I would be glad to yield for the chairman to indicate, if there is no further investigation. Obviously, there is no requirement to respond.

But it is an elephant in the room. It clearly is a conflict of interest. And I hope that we can help eradicate the so-called "culture of corruption" that appeared to the public by dealing with this issue.

Mr. PRICE of Georgia. Mr. Chairman, again, I think it's important to appreciate that in the context of this overall bill, in the context of this portion of the appropriations process that's gone from \$51 billion in 2008 to \$64 billion this year, that's a 24.2 percent increase, a \$13 billion increase. Can we not find \$100 million? In fact, that's what the President asked, to find \$100 million in savings. It wasn't too much for the President to ask.

Let's help out this administration in their minimal attempts to provide fiscal responsibility, minimal attempts. I urge my colleagues to support an amendment that all it's asking for is saving less than one penny out of every dollar.

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

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

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

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 98 OFFERED BY MR. HODES

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 98 offered by Mr. HODES:

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

SEC. ____ The Director of the Office of Management and Budget shall instruct any

department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

The CHAIR. Pursuant to House Resolution 552, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Mr. Chairman, I rise in support of the amendment I have offered, amendment No. 98.

I begin by congratulating Chairman Mollohan and the ranking member on all of their important work on this legislation, and I thank the Rules Committee for making this amendment in order.

Mr. Chairman, currently once taxpayer dollars have been appropriated by Congress to grant accounts, there is no accountability required of those funds.

□ 1800

My amendment would fix this problem and make sure taxpayer dollars are accounted for after we have appropriated those moneys.

In an August 2008 report on grants management, the GAO recommended that the Office of Management and Budget report annually on expired undisbursed grant accounts, but unfortunately no action has been taken on this recommendation, and taxpayer dollars are sitting unused in these accounts.

My amendment is similar to what was required in the American Recovery and Reinvestment Act. My amendment ensures that there is clear oversight of taxpayer dollars. The amendment requires oversight and accountability of expired undisbursed grant accounts. The amendment would instruct all executive departments and independent agencies to track undisbursed balances in expired grant accounts and report the results to the Office of Management and Budget. This will help lower the national deficit because my amendment also requires the reports to identify which accounts could be returned to the United States Treasury.

Now the group Citizens Against Government Waste has advocated similar policies. Most recently they advocated

rescinding funds earmarked by Congress for the Federal Transit Administration that remain unobligated after 3 years. With so many families struggling in this tough economy, we must invest wisely to help our constituents and to be vigilant with taxpayer dollars. We need to ensure there is strong oversight and accountability once taxpayer dollars are appropriated. This amendment is a critical step in keeping track of our dollars once they've gone out the door. I urge my colleagues on both sides of the aisle to support this fiscally responsible amendment.

Mr. MOLLOHAN. Will the gentleman yield?

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

Mr. MOLLOHAN. I thank the gentleman for his contribution to the bill. It is a real one, and we are pleased to accept the amendment, Mr. Chairman.

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

The CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

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

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

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

AMENDMENT NO. 63 OFFERED BY MR. NUNES

Mr. NUNES. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 63 offered by Mr. NUNES:

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

SEC. _____. None of the funds made available in this Act may be used to implement the biological opinion entitled "Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project", issued by the National Marine Fisheries Service and dated June 4, 2009.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. NUNES. Mr. Chair, today it's been 628 days since many of my colleagues and I requested this Congress to take action to avoid a collapse of civil society in the San Joaquin Valley. Only 3 months ago I again warned Congress that an economic catastrophe was looming. Despite this warning, the leadership of this Congress sat back and did absolutely nothing. The result, 40,000 workers laid off, unemployment nearing 20 percent with some Valley communities nearing 50 percent. This man-made drought in California is the direct result of this government's action to protect the 3-inch minnow. The situation has now been compounded by a recent Obama administration action

that now blames cities and farms in California for the plight of the killer whale. This is absolutely absurd. What is wrong with this government? We are starving people to save the killer whale now. This highly controversial opinion was rushed into print by the Obama administration without public comment or debate. This is a clear violation of the Endangered Species Act and has since been challenged in court. Nevertheless, the Obama administration, just like the captain of the Titanic, declared full steam ahead and mandated further reductions on California's water supply. This has caused water shortages to spread not only in the San Joaquin Valley but now to Los Angeles and even to San Diego. The Democrat Congress is directly responsible. You were warned, you failed to act, and now this Congress must accept the responsibility for their actions.

A government that cannot provide water is a government that has failed. Throughout history, dictators like Zimbabwe's Robert Mugabe have used water as a weapon to starve their enemies of water. But what we've never seen in history is a democracy starving its own people of water.

Mr. Chair, my constituents are not enemies of the state. Quite honestly, offering this amendment today is the worst of all options. But because of the actions of this Democrat majority, I had no other choice. They have refused to allow debate on this issue or even a vote on a bill that would end this crisis for good. This amendment is a small step in a long process that must be made to build a case that this Congress has failed its constitutional duties to provide for the general welfare of its citizens.

Mr. Chair, this is a bipartisan amendment. I would urge support of this amendment. My colleagues Mr. CARDOZA and Mr. COSTA have been very helpful in drafting this amendment. I hope that the Congress would adopt it.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise to claim the time in opposition, while I may not be in opposition.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Thank you very much, Mr. Chairman.

I rise to speak in favor of Congressman NUNES' amendment. My district is ground zero, where the drought is having its most severe effect in California. The biological opinion in question asked for modifications to the Central Valley and State water projects that would divert even more water from agricultural communities in the San Joaquin Valley. We believe, with the modeling, that this adds another 330,000 acre-feet to more than 3 million acre-feet of water that has already been reallocated over the last 20 years.

There are substantial biological assessments that have been performed on the delta. These opinions have been cited, the assessments have been made, but they were not taken into account in this biological opinion. Therefore, we believe it's flawed.

There are other factors that contribute to the decline of the fisheries in the delta which we must change, which we must correct—treatment from sewage facilities; unscreened private pump diversions that take up as much water in the delta as we export south; nonpoint source pollution that has quadrupled as a result of urban areas in the area; and invasive species.

Bottom line, this biological opinion is flawed, and we ask that we finally stop this nonsense and come together. When will this stop? When our valley has no more water left for its farmers and its farm workers? I strongly support Congressman NUNES' amendment. I ask that we come together in a bipartisan sense. This is not a Republican or a Democratic issue. It's an issue that we must solve, and we must do it now.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the chairman for yielding.

I would hope that Members would oppose this amendment. This amendment makes nothing better. I appreciate the frustration of my friends who live in the Valley and are undergoing very serious economic times. But the fact of the matter is, to suggest now to throw out this biological opinion makes nothing better.

Now you have a situation where the Bureau of Reclamation is trying to deal with these problems. We would lose this consultative agency and the Marine Fisheries Agency; and as a result of that, they could not go forward with another biological opinion, which you may or may not want. But what we would be is we would be stymied, as was suggested in this opinion and by the court, in the ability to look for other mechanisms that we could use instead of just turning to the idea that you're going to reduce the pumping. But that goes out the door now because you will not have the scientific credibility enabling the bureau to go forward. So the bureau will fumble around now for a number of months, trying to figure out how to handle this problem. And eventually, for legal reasons, they're going to have to go back to the Marine Fisheries, and the Marine Fisheries are going to tell them that Congress barred them from consultations. The consultations will not take place; and as a result of that, we have lost a year, 18 months, 2 years, whatever time it takes instead of going forward on this biological opinion which allow for some additional alternatives, some additional investigations within the delta and elsewhere in this system.

This builds on a whole series of reports that have come out by the past administration's Office of Management

and Budget, saying that the failure here is not to look at the water system, the CVP, on a system-wide basis. We keep chopping it up in little increments. We chop it up based upon the Valley, based upon the south, based upon the north, based upon the delta. We thought that with good science, we would have the opportunity to start to overcome that and to broaden this discussion. But this amendment will collapse it all back again, we'll start all over again, and we'll just waste a lot of time. And the problems in the Central Valley will get worse for agriculture; they will get worse for the economy; they'll get worse in Southern California; they'll get worse in the delta; we'll have more endangered species lawsuits; and we'll have more complications. And we'll accomplish nothing.

It's bold in its approach. It's destructive in its results.

The CHAIR. The gentleman from West Virginia has 1 minute remaining. The gentleman from California has 2 minutes remaining.

Mr. NUNES. Mr. Chair, excuses, excuses, excuses. What we've had throughout my entire career in Congress is more and more excuses. I appreciate the gentleman spent three decades in this body systematically destroying the Valley's economy. And so to hide behind the courts, to hide behind the bureaucracy, to hide behind the Obama administration, it may sound good to the gentleman from California. But the reality of it is, there are people living in their cars. People don't have food. Food banks are out of food. Workers are trying to have work. Farmers are going bankrupt because of the actions that Mr. MILLER has taken throughout his entire career. It's okay. It's okay to value fish. That's okay. But understand that you're starving families while you value the fish. It's unfortunate.

Mr. Chair, I appreciate my colleagues' support of this amendment.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chair and Members, I understand the frustration of my friends from the Valley on this issue. I've been living it in my district. The last administration devastated the fishing families of the north coast. We haven't had a fishing season up there in years. Again this year it's closed. And it's all because science was put aside in favor of politics. Finally we have science coming in. Science should be allowed to be considered. And as one of the previous speakers, Mr. MILLER, has mentioned, this amendment does absolutely the wrong thing. Not only does it take science off the table again, which led us, in part, to this problem and put the courts in control of these rivers, but it also limits our opportunities to address the overall problem. Without the Federal agencies at the table being able to

bring different options to solve this problem not only for the Valley families but for the coastal families as well, we're limited, and it's not going to bring any answers forward.

It is a mistake to pass this amendment. It won't solve the problem. It will just exacerbate the situation.

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

The CHAIR. The gentleman from California has 1 minute remaining. The time has expired for the other side.

Mr. NUNES. Mr. Chair, I appreciate my other friend from California. But the facts are, it's absurd to think that pumping some water out of a delta is killing killer whales, and that's what is in this biological opinion. When the government gets to the point of blaming killer whales for problems, the government has much bigger problems than just this little amendment.

So when you look at the fisheries in California that have been destroyed, the fishing industry was run out of San Diego a long time ago. There used to be Portuguese American fishermen that controlled the tuna industry in San Diego. The Democrats ran them out back in the seventies and eighties. So to now blame little minnows and pumping water to allow people to work are now destroying all the fish and killer whales in the ocean is absurd. We have starving people in the Valley. When is this Congress going to act? When? How many more days? It's been going on for 2 years. How much longer? Is 40,000 people enough people out of work? Do we need 80,000 people out of work? How many more people must starve because of the inaction by this body? That's what I want to know.

□ 1815

The CHAIR. The gentleman's time has expired.

The gentleman from West Virginia does have 15 seconds remaining.

Without objection, each side is allocated extra 15 seconds of time to control.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I just think that it's time for common sense to prevail. I've lost 30,000 jobs in my district as a result of this drought. We may lose generations of farmers. We need to come together with a California solution that is aside from the partisan differences and bring back water for all regions of California.

We're fighting for farmers and farm workers. I would ask common sense to prevail.

Mr. NUNES. I would just say, Mr. Chairman, that I wish that my friend, Mr. COSTA, was the Speaker and not our current Democrat leadership because it's the current leadership that's destroying the economy of the San Joaquin Valley—not Mr. COSTA and Mr. CARDOZA, who are trying their best to deal with their leadership to try to bring some attention to this problem.

Mr. CARDOZA. Mr. Chair, I rise in support of Mr. NUNES' amendment.

The National Marine Fisheries Service's Biological Opinion on the Central Valley Water Project and State Water Project is flawed because it attributes the pumps as a single factor in the decline of fisheries in the Bay Delta. Numerous regulatory measures under the Endangered Species Act, the Central Valley Project Improvement Act and the Clean Water have already resulted in over 50 percent cuts to water deliveries, yet haven't resulted in any improvement to the fisheries. The interim court orders under which this BO is based and a previous Biological Opinion on the delta smelt have slashed deliveries to just 10 percent, and we still are not seeing any improvement to the fisheries.

Implementing the Biological Opinion truly is the definition of insanity—doing the same thing over and over again and expecting different results.

We cannot solve the challenges of the Delta ecosystem by continuing to curtail pumping. We are long overdue for a study that examines all of the factors affecting the Delta, such as non-native fish that are predators of endangered species, climate change, and pollution such as discharged wastewater. It is imperative we undertake a complete study that identifies all of these factors and then set policy according to a complete set of data. To continue to curtail pumping prevents a true solution.

The cumulative effect of this Biological Opinion and other regulatory decisions is crippling small farm communities in the San Joaquin Valley. The San Joaquin Valley has an average unemployment rate hovering near 20 percent, with some communities at 45 percent. This is one more strike in what is an economic disaster for my constituents.

Mr. NUNES. I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. NUNES).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

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

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

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

Mr. CULBERSON. The issue which my colleagues from California have brought up is extraordinarily important, and I would like at this time, if I could, to yield to the gentleman from California (Mr. NUNES).

Mr. NUNES. I thank the gentleman from Texas for giving more time to this amendment.

As you know, we had to go to the Rules Committee last night to try to get this amendment made in order. We had many of our colleagues who weren't even allowed to offer amendments. The Republicans have completely been shut out of the process, and I don't know how we're supposed to come to commonsense resolutions to the problems in this country if we don't even have time to debate issues.

My friend, Mr. CARDOZA, wanted to have time to come out and debate these issues; my friend, Mr. COSTA, had to fight with his leadership to have time to come down and debate these issues. What's wrong with the leadership over there? How long are you going to let these people starve? How long? Two years. It's 2 years now since we've asked.

The pumps in California have to run, and sooner or later, your colleagues in Los Angeles—whether they like it or not—the Democrats in Los Angeles who have refused to do anything, their water rates are going up. They're running out of water. San Diego's water rates are up 40 percent this year. So you can run, but you can't hide. This isn't going away.

I would encourage the leadership of this body to get some people with common sense to get control of this body.

Mr. CULBERSON. I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, we have looked at what's happened in Detroit and other parts of this country where we've had high unemployment rates, and we have been directed to offer a solution in a short period of time. The gentleman from the Central Valley has a situation that is every bit as dire; in fact, it is worse in terms of the unemployment rates in the communities that he services.

We are destroying those communities at the present time and the lifeblood of agriculture in those communities that have stood for well over a hundred years is being irreparably harmed. And the gentleman's amendment—although it may not be the best solution, as he suggested—is the only thing that he has been given an opportunity to present in this body. And he has waited every year that he has been here to try and solve this problem, and yet there has been a failure for us to solve this problem.

And I don't know how we can stand here and say to the gentleman, just wait. Just wait—as he has percentages of unemployment that would shake the rest of this country. When he has people whose livelihoods and whose families' livelihoods are being destroyed on a daily basis, he has heard nothing but silence, silence in this House and from this administration.

I would hope that we could support his amendment. It may not be the perfect amendment, I agree. But it's the only thing he has been given an opportunity to bring to this floor, and maybe it will be given an awareness of this House and this administration that you can't throw away a part of the Central Valley of California and say, These are disposable people; these are disposable families; these are disposable farms.

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

The CHAIR. The gentleman has 2 minutes and 15 seconds.

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

Mr. NUNES. My friend from California, Mr. Lungren, is exactly correct. This is all we can do. The Democrat majority, they're correct. This isn't a solution to the problem, but it's all we can do. Maybe we can have a unanimous consent agreement tonight. I have a bill ready to go. We can vote on it tonight so we can get the pumps back on so we can get water to these people so they can go back to work and provide for their families.

Mr. Chairman, a guy in a food line in Mendota not long ago told the national media he didn't want to be in the food line. He only wanted a job to provide for his family. The Democrats control Congress. The Democrats control the White House. How much longer does the guy have to wait to feed his family? How many more jobs must we lose? How many? I want to know. How many jobs should we lose? Is 40,000 jobs in the San Joaquin Valley not enough? Should we go to 80,000 jobs? 150,000 jobs? Should we put a million acres out of production?

You guys are in control. Why don't you tell us how many acres you want out of production tonight so we can end the misery. Tell the people, Look, you've got to move out of the valley. Maybe they can move to the bay area. Maybe there would be work there for them. Maybe they'll get green jobs. I don't know.

But right now, a half a million acres are out of production. So how many more acres are we going to put out of production? How many more people are going to starve because of the inaction by the Democrats in this body? How many more? That's all I want to know.

I will yield if anyone wants to answer me how many jobs we're going to lose.

The CHAIR. The gentleman from Texas controls the time.

Mr. NUNES. Looks like we won't get an answer once again, Mr. Chairman, but I want to thank my Democrat colleagues, Mr. CARDOZA and Mr. COSTA, for supporting this amendment. I know it's been hard for them, and I appreciate their friendship and their work on this issue. I also want to thank the Republican leadership in this body for supporting this amendment.

The CHAIR. The time of the gentleman from Texas has expired.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Members are reminded to please address their remarks to the Chair.

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

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

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, you know we're here in this situation because a court ruled after the last administration trampled through the

Fish and Wildlife Service, the National Marine Ocean Service, and altered scientific findings, studies, and opinions that we could no longer conduct the business of the Central Valley Project. I didn't see my friends on the other side of the aisle raise one objection at the time that those actions were taking place, at the time that criminal behavior was taking place.

I didn't see them raise one objection when the northern rivers were destroyed and fishery seasons have been closed for years and families have lost their businesses, lost their livelihoods—whether they were going to seed the fish or they were small businesses on the north coast or small businesses on the Oregon border—and those political decisions were made, and they devastated the salmon runs. I didn't see that happen.

We have seen now, as the environment has deteriorated in the San Francisco Delta and bay area, small businesses have closed up, many people have lost their livelihoods; and, yes, it's very intense in the Central Valley.

But I don't see some of my colleagues on the other side who represent areas that have a hundred percent of the water. In fact, some of the valley farmers have 70 percent of their allocation in this drought year.

Somehow to blame this on this moment, this administration that's been in office for 5 or 6 months, when in fact for 8 years there was a design to exploit this system by opening up the pumps, devastate the system, and now those chickens have come home to roost and those illegalities have been found out.

The court has asked for direction. This administration put together a biological opinion. It was peer reviewed, and they've offered that up to begin the discussions of how we settle some of these problems in the delta, south of the delta, and north of the delta. That now is going to be thrown into chaos if this amendment succeeds to become law because then we will not have those tools available to us.

So we'll go into another year that may be a drought and we will not have the system-wide approach to dealing with that to help the families in the Central Valley, in southern California, in northern California. These are all of the same families. These are all the same people who are looking for work, looking for jobs. But the fact of the matter is, if you devastate this water system, they all pay the price.

So now we're trying to recover from 8 years of mismanagement, from 8 years of illegal activity, from 8 years of throwing science out the door, and now we're left with that wreckage. There's a lot of cleanup to do after this Bush administration, and this is one of those projects. And this project now has to be rehabilitated, this project has to be brought together so that the Central Valley Project can serve its clients, can serve the needs of the whole State of California. And if it doesn't happen

that way, it's not going to work politically, it's not going to work environmentally, it's not going to work scientifically, and it's not going to work economically.

We've just been through 8 years where people tried to segment this state-wide project into little bits of pieces for their advantages, and if they had enough politics on their side, they took that advantage whether it was supported by the law or not. And this is the carnage that has been left behind because we missed 8 years of opportunity to rebuild this system so that it could serve the needs for which it was designed.

That's the tragedy of what has taken place here. That's the tragedy that we're trying to overcome. That's the tragedy that will be compounded by the Nunes amendment if it's adopted because it will set all of this back many, many months—if not years—in this effort to rebuild the Central Valley Project of California so it can meet the demands of which are put upon it.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

I want to add that this should not be about choosing one job or one person's job over the job of another person. As I mentioned earlier, many, many fishing families on the north coast of California and the coast of Oregon have been displaced. We have lost boats, lost businesses, lost fortunes, lost opportunities, and all because the science was scrapped. The last administration pushed forward a water policy that was illegal, that didn't pay any attention to anything other than politics.

□ 1830

In the Klamath River in my district, that water policy brought us 80,000 dead spawning salmon. It absolutely closed the fishing season on the north coast. It's closed again this year. It's closed on the Oregon coast. And it's all because politics was put ahead of science. You can't do business that way.

The only way to fix this is to bring all of the agencies together, working on the science, to come up with the mitigation that will work to save jobs not only in the valley, but on the coast and everywhere else.

I ask that we vote against this terrible amendment and work together.

AMENDMENT NO. 111 OFFERED BY MRS. BLACKBURN

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 111 offered by Mrs. BLACKBURN:

At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 552, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I do have a great amendment at the desk, and I think it speaks to the path we need to travel in this body.

As we know, spending is out of control here in Washington, D.C. The American people know that this government doesn't have a revenue problem, it has a spending problem. And we are hearing it from constituents all across this Nation as they begin to look at how this should be addressed and talk to us about how we think it ought to be addressed.

Well, Mr. Chairman, one of the things that we do know is that in our States—which are great labs for bringing forward entrepreneurial ideas and innovating ways to address problems in the public sector—many times they will move to across-the-board spending cuts. Certainly, in my State of Tennessee, our Democrat Governor went in and made a 9 percent across-the-board spending reduction because he had to get in there and address the out-of-control growth of TennCare, our public option health care delivery system that many want to replicate nationwide.

Now, throughout our Nation's history, we have had times when this body and our Commanders in Chief have sought to also do across-the-board spending cuts. At the onset of World War II, President Roosevelt came in and made a 20 percent across-the-board cut in nondefense spending. President Truman, with the Korean War, made a 28 percent across-the-board spending cut. And he did that, Mr. Chairman, because budgets and appropriations should be about priorities.

At this time in our history, when we see so many families and so many businesses struggling, when we see appropriations and spending out of control here—certainly appropriations over the past 3 years for our CJS appropriations has increased by over 45 percent, this year alone nearly 12 percent—the spending binge is unacceptable. And on behalf of my constituents who are sitting at the kitchen table and many times cutting 50 percent, we need to move forward with spending reductions.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, an across-the-board cut to this bill of 5 percent is really disastrous. As a general proposition, cuts that are indiscriminate affect every account in a

bill—whether it's this appropriation bill or any other appropriation bill—and one of the best reasons to oppose them is for that reason, they're indiscriminate. They affect every account in the bill, and that, of course, means that someone has not done a thoughtful exercise in going through and trying to find out where there might be a few extra dollars with regard to this account or that account.

I would also suggest that that's exactly what this subcommittee has done, both the majority and the minority, and we have done it in close cooperation with the minority as we have worked this bill this year and brought it to the floor of the House. We have looked at every single one of these accounts. We have done exactly what this amendment does not do. We have done the hard work of thinking about where dollars should be applied, where the need exists, and where that need exists, we've increased funding in accounts, not indiscriminately, but very consciously through a thoughtful process.

Now, just a couple of examples of what a 5 percent cut would do. In the Department of Commerce, a 5 percent reduction would result in the complete elimination of \$370 million of Census contingency funding, significantly increasing the risk of unforeseen events impacting field operations with regard to the census.

Mr. Chairman, we are on the brink of conducting the 2010 census. The census has had a lot of starts and stops along the way. Those matters have been corrected, and we are in a position to have a good, accurate census conducted in this country. This is the wrong time to take any cut with regard to Census.

A reduction of \$230 million to NOAA would eliminate the entire National Environmental Satellite Data and Information Service, or alternatively, literally wipe out all salmon and endangered species funding.

Mr. Chairman, a reduction of \$92.4 million to the rest of the title 1 would eliminate the Minority Business Development Agency and the National Telecommunications and Information Administration salaries and expenses, as well as Public Telecommunications Facilities' planning and construction account. Those are accounts that directly impact people sitting around tables in kitchens across the country.

For NASA, this cut would significantly reduce needed contingency in the development of all new NASA missions, missions for which we just heard Democrats and Republicans speak about with great concern.

The National Science Foundation is another example. This drop in government support for research and development, on top of the falloff in corporate research investment and private foundation support, would stress the Nation's research universities at the time that this country needs to invest in research, needs to invest in development so that we're at the cutting edge of the new economy as we go forward, which

is at the very heart of President Obama's new economic recovery plan and strategy.

An across-the-board cut, an indiscriminate cut of any kind—5 percent, 1 percent, 2 percent—I consider it to be mindless. It's not a careful consideration of fashioning fiscal policy.

I hope that this amendment will be opposed by the body.

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

Mrs. BLACKBURN. May I inquire as to how much time is remaining?

The CHAIR. The gentlewoman has 2¾ minutes remaining.

Mrs. BLACKBURN. I appreciate so much the comments of my colleague, and I am so thrilled that he went through a litany of programs.

You know, it is so indicative of how those who feel like they have unfettered access to the taxpayers' money, that they have first right of refusal on that paycheck that people go to work and work hard to earn so that they can do it for all of these grandiose-sounding programs.

Well, isn't it amazing, with a 12 percent increase in spending, a 5 percent reduction is still an increase. I mean, I just love this new math that Washington, D.C., spits out across this Nation. You would still have an increase. I mean, it is just amazing to me. You just don't get it. You just don't get it.

We have people in my district, we have people across this country, Mr. Chairman, they are losing their jobs. They are sitting at the kitchen table right now watching the TV and going, These people, these elites in Washington, they do not understand it. We're cutting our budget 50 percent.

I have small business owners that are telling me, We're trying to figure out how long we can keep the doors open and how much we can afford to lose every month, and you want to tell me about endangered species and reducing funding 5 percent for endangered species, or doing away or holding back or maybe not moving forward?

You know something, there are men and women in this Nation every day that delay hopes and dreams and aspirations because the liberals never lose their appetite for the taxpayer money. And they meet their obligation to the tax man. And they instruct us, Mr. Chairman, to come here and make good use of those dollars. That is what we are elected to do. And you want to tell me you can't find \$100 million? You can't find a 5 percent reduction? You can't make this reduction out of a \$64 billion allotment of money? You can't find 5 cents out of a dollar?

The American people are sick and tired, they are sick and tired of reckless runaway spending. They are demanding that it come to a halt. A 5 percent sensible reduction is the way to go about it.

I would encourage all of my colleagues to join me. Let's make a 1 percent, a 2 percent, a 5 percent, and then allow a way to move forward in a more fiscally responsible manner.

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are again reminded to direct their remarks to the Chair.

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

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

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

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

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

AMENDMENT NO. 71 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I have an amendment made in order under the rule preprinted in the CONGRESSIONAL RECORD at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. BURTON of Indiana:

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

SEC. __. None of the funds made available in this Act may be used to relocate the Office of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, this amendment is very straightforward. It simply says that "none of the funds made available in this act may be used to relocate the Office of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President."

In February of this year, after Senator JUDD GREGG, a Republican, was nominated by President Obama to be the Secretary of Commerce, the White House announced that control of the Census Bureau and the 2010 census would be removed from the Commerce Department and placed in the hands of the White House staff. Senator GREGG eventually withdrew his name from consideration, in part because of his concerns about taking control of the next census out of the hands of the Commerce Department and putting it into the hands of political operatives at the White House. Contrary to Democratic claims, there was no historical precedent for placing the census under the control of political operatives on the White House staff.

According to former Census Bureau Director Bruce Chapman, who directed

the Census Bureau from 1981 to 1983 under President Reagan, he said, "The White House and its congressional allies are wrong in asserting that the Census in the past has reported directly to the President through his staff. Directors of the Bureau often brief Presidents and their staffs, but as a former director under President Reagan, I don't know of any cases where the conduct of the Bureau was directly under the White House supervision; that includes President Clinton in 2000, Bush 41 in 1990, and Carter in 1980."

The Obama administration has since backtracked and attempted to downplay its role regarding the census. And to his credit, the current Secretary of Commerce, Gary Locke, has expressed his intention to not cede control of the 2010 census to the White House during his confirmation hearings.

The U.S. Constitution, article I, section 2, clause 3, as modified by section 2 of the 14th Amendment, requires a population census every 10 years to serve as the basis for reapportioning seats in the House of Representatives. The Constitution stipulates that the enumeration is to be conducted "in such manner as they [Congress] shall by law direct."

Congress, through title 13 of the U.S. Code, has delegated this responsibility to the Secretary of Commerce and, within the Department of Commerce, to the Bureau of the Census.

□ 1845

Let me be very clear on this point: The Constitution stipulates that Congress shall direct how the census is to be conducted and Congress delegated this responsibility to the Bureau of the Census, not the Office of the White House Chief of Staff.

The United States census should remain independent of politics. It should not be directed by political operatives working out of the White House. Such a move is especially troubling considering the census at the time was considering entering into a national partnership with ACORN, an organization ripe with internal corruption and that was responsible for multiple instances of vote fraud in the 2008 presidential election.

Asking an organization like ACORN to help recruit the 1.4 million temporary workers that will go door-to-door is akin to inviting the fox into the henhouse. An estimated \$300 billion in Federal funds are distributed annually on the basis of the census data, according to the Census officials. This is very important, because all the people in this country are affected by this money.

The Census Bureau is staffed by experienced and talented professionals who are leaders in the field of statistics. In order to produce a fair, accurate and trustworthy count during the 2010 census, the Census Bureau needs to remain an agency free from political or partisan interference.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to my friend from Indiana's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I am sympathetic to the gentleman's interest. But I don't share his concern. There was some talk earlier this year about the White House taking the census or taking a leadership role in the census. We have had public assurances and private assurances that indeed the White House has no such intention.

The fact is that the census was admittedly mishandled during much of the Bush administration, so that toward the latter part of the administration everybody was scrambling to try to repair the damage that had been done. To its credit, the Department of Commerce, the Bureau of Census, conceived of a census in 2010 that would involve as much technology, as much automation, as possible. The vision was to be accurate and to be less expensive.

Unfortunately, the contractor and the Secretary of Commerce actually took a lot of responsibility for the agency, for the contractor not having correct instructions. But in fact the job was not well-performed, whether it was the fault of the Commerce Department and the bureau or whether it was the contractor.

The point is that we have spent a lot of time during the last years of the Bush administration and certainly this year ensuring that we corrected those problems, that we got ahead of those problems, so that we could rely on a credible, accurate census. Those adjustments have been made.

I would just assure the gentleman that there is no inappropriate involvement by the White House. I absolutely embrace his notion that the Congress should be fashioning it, and I think we are doing that with quite a bit of oversight. I know this appropriations subcommittee has been conducting a lot of oversight.

So my remarks in opposition to his amendment I hope are more in the way of assuring him that we are on top of this, and we are looking at it. I know there is a lot of concern. I hear it on radio, I see it on television, certain talk radios are obsessing with regard to ACORN, and I think, personally, in many ways demonizing a whole organization for the conduct of a few.

Yes, ACORN could be a part of the 30,000 partnerships that the Census Bureau will embrace to reach out to communities, many of them hard-to-identify communities. I know the gentleman shares the goal of having as accurate a census count as possible, and I know the gentleman understands that there are hard-to-access communities, and I am sure that the gentleman embraces the idea of partnerships to reach out and give assurances to those communities so we can count as many folks as possible.

There is no money associated with ACORN through those partnerships.

So, again, I oppose the gentleman's amendment, and my comments are such that I oppose it more to reassure him that we are all about an accurate, just census, and we intend to do our part to ensure that.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, how much time do I have remaining?

The CHAIR. One minute.

Mr. BURTON of Indiana. Mr. Chairman, I believe Mr. MOLLOHAN is well-intentioned. I believe he is an honorable man. But my concern is that there could be a change of attitude by some in the White House.

I appreciate that the White House has reconsidered and reversed their decision on taking control of the census, but unless we pass this amendment, there is nothing to prevent the White House from reversing itself once more, and that concerns me.

I am encouraged because the Secretary of Commerce, Mr. Locke, has expressed his intention to not cede control of the 2010 census to the White House during his confirmation hearings. But, nevertheless, to make sure that Congress retains its right to control the census and the \$300 billion that will be disseminated as a result of the census, I think we need to make it very clear by passing this amendment that it is up to the Congress and not the White House to make this determination.

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

The CHAIR. The gentleman from West Virginia has 1 minute remaining.

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

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

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

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

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

AMENDMENT NO. 97 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 97 offered by Mr. PRICE of Georgia:

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

SEC. __. Appropriations made in this Act are hereby reduced in the amount of \$644,150,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this amendment is again another very simple amendment. It would reduce the total appropriations in this bill by \$644,150,000.

Now, you might ask Mr. Chairman, how did I come up with that number? Well, that is 1 percent of the bill. That is right, \$644,150,000 is 1 percent of the bill.

So what this amendment asks is, is this Congress responsible enough to be able to decrease the amount of spending in this bill by 1 percent, a penny out of every dollar?

Now, that is not 1 percent of last year, Mr. Chairman. That is 1 percent off the proposed, and the proposed is an 11.6 percent increase over last year. That means we would go from an 11.6 percent increase to a 10.6 percent increase.

Mr. Chairman, do you think we can handle that? Do you think we can handle that?

There are a lot of numbers out there across this land. I don't know if you have been paying attention. Outstanding public debt as of today, \$11.4 trillion. Outstanding public debt per American citizen, \$37,231.22. Average increase in our national debt every single day because of the money spent by this Congress and this administration, \$3.82 billion a day—a day, Mr. Chairman.

The country's gross domestic product fell by 6.1 percent in the first quarter. The President's budget proposes the 11th-highest annual deficits in United States history. The unemployment rate out there is 9.4 percent, Mr. Chairman. That is higher than the administration assured the Nation it would be if we did nothing—if we did nothing when the non-stimulus bill was passed, 9.4 percent.

Mr. Chairman, the Federal tax revenues in this Nation dropped 34 percent in April 2009 compared to 1 year ago—34 percent. Mr. Chairman, one might be able to just extrapolate that the American people are tightening their belts by 34 percent. Do you think this Congress can tighten its belt by 1 percent?

A penny out of every dollar, that is all we are asking. And it is not going across-the-board. It is not that meat ax that my friend from West Virginia talks about. It is allowing the department itself to figure out how to save a penny out of every dollar that it spends. We ought to be able to do that, Mr. Chairman.

I reserve the balance of my time.

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentleman's amendment is a 1 percent cut. The amendment we argued a few minutes ago was a 5 percent cut. The gentleman's amendment is arguably just five times less destructive to programs that this subcommittee on both sides of the aisle have carefully bal-

anced as we have worked months and months in drafting this legislation.

The gentleman is correct; it is a 1 percent cut to the bill, as written. The agencies could look at it and they could apply the cuts as they saw fit. But understand that they are cuts.

Imagine a couple of places where these cuts would be felt. For example, safety and security of inmates and corrections officers in Federal prisons. It is an area that we have been working on for several years to understand exactly what the needs are. The bill is carefully drafted to provide adequate funding to the Bureau of Prisons to ensure safety and security for inmates and corrections officers in Federal prisons. A 1 percent cut would be \$71 million if applied to BOP.

A 1 percent cut would eliminate \$345 million in new funds to safeguard the Southwest border. It would undermine the Southwest Border Initiative perhaps, Mr. Chairman, if that is where the cuts were taken.

There is \$3.4 billion in grant funding for State and local law enforcement assistance, including \$298 million to put additional cops on the beat, \$100 million for prisoner reentry initiatives, \$94 million for tribal law enforcement assistance. All of this represents funding that again has been carefully fashioned, carefully considered and carefully appropriated by the appropriations subcommittee and by the full committee as we moved this bill to the floor. A 1 percent cut would undermine any or all of those programs by that amount.

Mr. Chairman, for all of those reasons, I oppose this amendment.

I reserve the balance of my time.

The CHAIR. The gentleman from Georgia has 2½ minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman from West Virginia's comments, but let's be honest. A cut? A cut? The amount of money spent last year in this area of the budget, \$57.7 billion—\$57.7 billion. The amount in this bill to spend, an 11.6 percent increase, remember, Mr. Chairman, \$64.4 billion. My amendment, what would we spend? \$63.8 billion.

Remember, Mr. Chairman, last year we spent \$57.7. This year it is 63.8 under this amendment. 57.7, 63.8—that's a cut? Mr. Chairman, a penny out of every dollar.

This definition of a cut is like when our teenage son had an allowance each week of \$1, and he came and said, Dad, you think I could have \$2 a week? I said, No, but we could probably make it \$1.50 a week. He said thank you very much. But under this definition, that would be a 50-cent cut. That would be a 50 percent cut.

Mr. Chairman, let's be serious. \$57 billion last year, \$64 billion this year. Do you think we can find a penny on the dollar and move it to \$63.8 billion? Are we that irresponsible that we can't do that?

There is 9.4 percent unemployment across this land. People are having a

difficult time putting food on the table, wondering whether they are going to be able to cover their health care costs, wondering whether or not they are going to be able to send their kids to school. The United States is in danger of losing its Triple A credit rating due to the accumulation of over \$1 trillion in debt.

Mr. Chairman, when are we going to start? When is this fiscal responsibility out of this crowd going to start?

A penny out of every dollar. I would suggest, Mr. Chairman, that that is a minimal amount, a reasonable amount, an amount that the American people look at their folks here in Washington, their representatives here in Washington, and say, Why on Earth can't you find that? Why can't you find it?

We ought to be able to do this. In fact, not doing this is morally reprehensible. Not doing this is irresponsible.

□ 1900

Not doing this is an abrogation of our duty. Not doing this is a woeful lack of leadership.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, the use of the word "irresponsible" gives me pause because if the Appropriations Subcommittee for Commerce, Justice, Science has done anything during the last 6 months, it has responsibly considered the administration's requests with regard to funding of these accounts. Indeed, our Appropriations Committee has cut \$200 million from the administration's request. At the same time we have filled a lot of holes that the administration left such as \$300 million for SCAAP. We filled that hole because the administration requested zero for SCAAP. On the floor yesterday we added \$100 million more to SCAAP because it has such broad bipartisan support in this House.

We restored \$400 million for State and local law enforcement, money to help our local police, our local sheriffs, our State police, as they do their job in very tough times protecting our citizens back home.

This legislation has been very responsibly considered, and while our appropriation is less than the President requested, it still goes a long way to adequately fund all the accounts in the bill.

Now, the gentleman makes light of a 1 percent cut. But understand, a 1 percent cut in a \$64 billion bill is \$644 million. \$644 million is \$200 million above the SCAAP hole that we had to fill. It's just \$200 million above the \$400 million in the State and local law enforcement assistance grants that we filled.

So the gentleman, 1 percent, when it's said like that, sounds like just a little bit. But understand, this bill that we bring to you to the floor today is below the President's request and, at the same time, we have provided funding for SCAAP to the tune of \$400 million above the President's request, which was zero.

I can tell you, State and local enforcement across the country, and I would just imagine in the gentleman's district, are very much appreciative of that support as they deal with crime in tough economic times when local government and State government are having trouble meeting those budgets in order to fund that safety.

A lot of this is ideological, and the gentleman looks to these domestic accounts to achieve these reductions. I would point out that these accounts are not flush with funding. Indeed, our funding in this bill is below the President's request.

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

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

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

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 100 OFFERED BY MR. JORDAN OF OHIO

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 100 offered by Mr. JORDAN of Ohio:

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

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of \$12,511,000,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the chairman, thank our ranking member and the chairman of the subcommittee.

The chairman of the subcommittee was just boasting about the fact that the committee reduced the amount of dollars appropriated in this bill from what the administration had requested.

I think it's important to point out that request came after we have had the stimulus, the omnibus, the second tranche of TARP. I mean, all the spending that's taken place in the first 6 months of this Congress. I don't know that there's anything to really brag about.

So this amendment actually goes back to what this Congress was allocated and what was being spent in the various agencies that fall under the bill, just 1 year ago. It would reduce the spending in this bill by \$12.511 billion, again, exactly what we were spending prior to the stimulus, prior to the omnibus.

I think it's really all about preserving opportunity and the greatness

of this country for our children and our grandchildren.

And, Mr. Chairman, I would say this: the American people get it. They're tightening their belts, as many speakers have already indicated here on the floor this evening. They're tired of this blank check, this bailout mentality that has got a hold of Washington. They're sick of the bailouts. They're sick of the deficits. They're sick of the debt that we keep piling up.

Think about the number of different bailouts: we had the financial industry. We had the auto industry bailout. We have a deficit that's approaching \$2 trillion this fiscal year. We have a national debt over \$11 trillion slated to move to \$23 trillion over the next decade.

I always think it's important just to figure this out. At some point, I was an economics major. One of the first things you learn in economics is there's no free lunch; it has to be paid back. \$23 trillion we're slated to get to over the next 10 years.

To pay that back, think about what has to happen. We first have to balance the budget. We first have to get to zero, actually balance a budget, not spend more than we take in. And then we have to run a surplus of \$1 trillion for 23 straight years, and that doesn't even count the interest. That's what we're saddling our kids and our grandkids with.

One of the things that makes this country great, one of the reasons we're the greatest Nation in history, is because parents make sacrifices for their kids so that when they grow up they can have life a little better than we did. And then they, in turn, when they become parents, do the same thing for the next generation. And that cycles continues, and that's why we're the greatest Nation, economic power in human history.

When you begin to turn that around and go the other direction, that's where we're having problems. And, frankly, that's where we're at right now. And that's why it is so important we get a little discipline in how we budget and spend the taxpayer money.

I had a coach and teacher in high school. He taught chemistry. Toughest teacher in the school. Taught chemistry and physics. Toughest coach in the State, I felt like. And talked about discipline every stinking day. I got tired of hearing about it. He said, you've got to have discipline if you want to get anything done. You've got to have discipline if you want to succeed in athletics. And he had a great definition. He said, discipline's doing what you don't want to do when you don't want to do it. And basically that meant doing it his way when you'd rather do it your way. It meant doing things the right way. It meant doing things the tough way when you'd rather do it the easy way, the convenient way.

The easy thing to do is to spend taxpayer money. The disciplined thing,

the tough thing to do is say, You know what? We're going to limit overall spending, and we're going to have some priorities and make some tough decisions because, if we don't, our kids and our grandkids are going to inherit a debt that they cannot repay. And that's where we are today in America. That's why it's important we adopt this amendment and begin to get a handle on the out-of-control spending.

I reserve the balance of my time.

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

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

Mr. MOLLOHAN. Mr. Chairman, I'd just point out that this is a 19.4 percent reduction in the funding of the bill. And that equates, by my math, to \$12.5 billion below this bill's recommendation. This committee's recommendation to the full House would be \$5 billion below the 2009 funding level.

Understand that, just right off the top, this subcommittee has a \$4 billion additional obligation to fund the census as we move into 2010. That immediately and graphically demonstrates the effect this kind of a cut would have on the bill.

For all the reasons that I have particularized in debating other percentage cuts to the funding in this bill, I oppose this amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, just let me say this: the gentleman makes it sound so dramatic. It takes us right back to what we were spending 1 year, less than a year ago, less than a year ago to what these Departments were operating, the programs were operating on.

I mean, think about this. A year ago Tiger Woods was getting ready to win the U.S. Open, just like he is this week.

Brett Favre was thinking about coming out of retirement, just like he is this week. One year ago.

One year ago Yankees fans and Red Sox fans didn't like each other, just like today. I mean, this is not a big deal. This is going back to where we were less than 1 year ago.

A lot of families out there, a lot of families across this country are having to do that. A lot of businesses are having to do that.

Why is it during tough economic times the only people who have to suck it up are the American people and small business owners?

Why can't government ever have to suck it up?

That's what this is about. This goes back to where we were less than 1 year ago.

I yield back the balance of my time and urge a "yes" vote on the amendment.

Mr. MOLLOHAN. Mr. Chairman, it's just a small point, but I don't know what numbers the gentleman is looking at from 1 year ago, and it doesn't affect his overall point, which I totally

understand. He wants to reduce the bill by a significant amount of money.

But 1 year ago the accounts funded in this bill totaled \$57.651 billion. As I understand the gentleman's cut, and as we have done the math on it, his cut would take us down to \$52 billion, which would be \$4 billion or \$5 billion below.

Mr. JORDAN of Ohio. Would the gentleman yield?

Mr. MOLLOHAN. I yield.

Mr. JORDAN of Ohio. I appreciate the gentleman yielding. That's kind of you.

A year ago, in my recollection, we were functioning under a continuing resolution, which would be the 2008 fiscal year spending level. That's why I'm saying 1 year ago we were functioning under exactly what this amendment would take us to, not the 2009, which was done in the omnibus just a few months ago. We were functioning on the 2008 continuing resolution.

Mr. MOLLOHAN. I will reclaim my time. I'm looking at the actual number here, but the gentleman's point is well taken.

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

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

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

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

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

AMENDMENT NO. 114 OFFERED BY MR. REICHERT

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 114 offered by Mr. REICHERT:

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

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. ____ For "Office on Violence Against Women—Violence Against Women Prevention and Prosecution Programs" for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the Violence Against Women Act of 1994 (42 U.S.C. 14043c), and the amount otherwise provided by this Act for "Departmental management—Salaries and expenses" is hereby reduced by, \$2,500,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, after listening to the discussion back and forth here for the last hour or two, I would hope that my amendment would not be quite so contentious. And it is my great hope that we can come together in agreement on the amendment that I'm about to offer.

I am suggesting that we take \$2.5 million from the Department of Commerce salaries and expenses account, which is totaling now \$60 million and is receiving a \$7 million increase. So to remove \$2.5 million from a \$7 million increase from a \$60 million budget, to Support Teens through Education and Protection program, STEP, which helps high schools collaborate with domestic violence and sexual assault service providers, law enforcement, the courts and other organizations to improve school safety. This vital program was authorized by Congress under the VAWA Act, Violence Against Women Act, but was never funded.

Our schools should be safe havens for our children to learn and grow. Unfortunately, violence in schools has left many kids afraid of the very places we send them to learn and grow. They increasingly find themselves becoming victims of dating violence, bullying, harassment, gang-related violence in the classrooms, in the hallways and in the restrooms. On the buses, in school yards, anywhere in the area of the school, this law would apply. When violence occurs in our schools, our children find themselves in difficult situations. They go to school, where they spend 6 to 8 hours a day with the very people that have perpetrated the crime against them, placing them in very dangerous situations.

For example, a 16-year-old girl breaks up with her 16-year-old boyfriend in Texas at a high school, and during the day she goes to her teacher and she says, I'm afraid. This boyfriend of mine is becoming more and more violent and I'm afraid for my safety. Can you help me? Two hours later, this young lady is found dead in the hallways of her own school.

□ 1915

In 2007, at a high school in Seattle, a young girl was assaulted, was dragged into the boys' restroom and was assaulted even further. The girl pushed herself away from the suspect and ran away and told the teachers. She reported the incident to the teachers. She told the principal of the school. The school did nothing. For 3 weeks, this young lady had to go back to school and had to face these three individuals, these three individuals who assaulted her. They did nothing. They didn't report it to the police. They didn't tell anybody.

Our schools need more effective procedures to address these problems when they occur amongst students. Teachers, coaches and counselors have important roles to play in the lives of our children, as we all know, and they can be key to curbing violence among our youth. Studies show that 25 percent of the teens say they would confide in teachers or in school counselors if they became involved in abusive relationships or were assaulted. Unfortunately, school personnel are not currently trained or equipped with the knowledge or with the resources needed to address these issues effectively in school.

By supporting my amendment, we can help schools address bullying, harassment and sexual violence involving teen victims. The STEP program can train school personnel; it can provide support services for students who are experiencing abuse; it can help schools foster appropriate and safe responses to the affected students.

The National Education Association, the National Network to End Domestic Violence, Break the Cycle, the National Center for Victims of Crime, and the Family Violence Prevention Fund have endorsed this amendment. I urge my colleagues to support this common-sense amendment to help create a safe learning environment for our children across this country.

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

Mr. MOLLOHAN. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I am thrilled to support an amendment from the minority, and I want to compliment the gentleman from Washington for his concern.

He is absolutely correct. This program is authorized under the Violence Against Women legislation. It was not funded in this bill. There are a number of programs in VAWA and we found it difficult to fund all of them. Every year, we want to add to them. The gentleman's contribution to the bill and to fighting violence against women is real, and we appreciate it. We accept the amendment.

Domestic and dating violence is very serious and can be dealt with through the program that the gentleman is advocating, so we thank him for his contribution, and we look forward to working with him as we move this legislation through conference to ensure that his efforts here are retained.

I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I want to take a moment just to thank the gentleman for his kind words of support. The majority's support of a minority amendment is a pleasant change in the atmosphere over the last day or so, so we appreciate that.

I yield back.

Mr. MOLLOHAN. I thank the gentleman.

I yield back, Mr. Chairman.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

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

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

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

AMENDMENT NO. 59 OFFERED BY MR. BROWN OF GEORGIA

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. BROUN of Georgia:

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

SEC. 535. None of the funds made available by this Act shall be used to establish or implement a National Climate Service.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. I yield myself as much time as I may consume.

Mr. Chairman, I rise today with an amendment which will strip funding from the bill that is aimed at implementing a new National Climate Service. At best, this new Federal agency is duplicative. At worst, this is an egregious waste of taxpayer dollars for an endeavor which is not even based on sound science.

Mr. Chairman, there is no consensus among policymakers, academics, researchers or bureaucrats about how a National Climate Service should even be structured, and yet here we are funding it. This lack of agreement was not more evident than during a Science and Technology subcommittee hearing just last month regarding the development of this exact agency.

At that hearing, four alternate structured proposals were presented by different witnesses. They ranged from merging existing agencies to the creation of a nonprofit entity to provide this research, but each and every one of them was shot down.

In order to implement any entity of this nature, we must first be sure that the infrastructure for monitoring our weather and climate patterns is already in place, but that infrastructure is currently not there. In fact, according to the National Academy of Sciences, the U.S. climate observing system is in rapid decline. This includes both our ground-based and our satellite-based measuring systems. Updating these systems and making sure of the information they provide should be the foremost priority when it comes to monitoring our climate.

In fact, just today, in the Committee of Science and Technology, we just heard how the polar orbiting satellite system has tremendous cost overruns, how they're not flying the satellites and how NOAA and the Defense Department, particularly NOAA, desperately need these satellites to help them give us proper weather predictions. Yet we're not funding that. We're funding this National Climate Service, and we're putting off these pressing needs. We're focusing on establishing yet another bureaucratic web to navigate through. We're doing nothing more than decreasing efficiency and increasing Federal red tape.

What we know for sure is that this new, unnecessary agency will grant

broad-sweeping authority to the executive branch with little congressional input. That's it. The details are being left up to some Federal bureaucrat. As we all know by now, the devil is in the details.

Additionally, there is an absolute dearth of information regarding the costs and benefits of setting up such an entity. Without such basic knowledge, how in the world can we, in good conscience, fund this rudderless endeavor? We have no assurances that this National Climate Service will turn out to be anything more than a new regulatory agency for the proposed tax-and-cap scheme, but maybe that's really the goal here.

I do not like to think ill of the intentions of my colleagues on the other side of the aisle; but with such an ambiguous mandate with, obviously, little congressional oversight, what else are we to assume?

Time and time again, this Congress has jumped headfirst into the deep end of issues which we still know little about. The Wall Street bailout, the auto bailout, the stimulus, and now the National Climate Service are all prime examples of how Congress' eyes are bigger than its grasp.

So I ask my colleagues to please support my amendment. Let's reevaluate this attempt at funding an impudent new agency. Let's stop the funding for the new National Climate Service. Thank you, Mr. Chairman.

I reserve the balance of my time.

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

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

Mr. MOLLOHAN. Mr. Chairman, I would first point out to the gentleman that I am not sure this is the bill on which the gentleman should make his arguments against a National Climate Service.

It is true that there is considerable discussion within the administration and outside of government in consideration of a National Climate Service and also in the authorizing committees here in the Congress.

It is also true that we have some money in this bill—for research and satellites—that is in anticipation of an authorization of a National Climate Service. That money is also needed by the Weather Service. Of course, the gentleman understands we fund the National Weather Service through the Commerce Department accounts.

To really try to impact or prevent the creation of the National Climate Service, I would suggest to the gentleman that this is the wrong place to go. We ought to respect the authorizing process. The gentleman, I would assume, will direct his efforts with regard to frustrating the creation of a National Climate Service to the authorizing process—and the gentleman may serve on that committee, I don't know. That's the place where, respect-

fully, where you could better direct your efforts. An appropriations bill, particularly in one in which the organization is not even stood up, is, I think, the wrong place for the gentleman to direct his energies.

So, for that reason and others that deal with the necessity for this Nation and for the world to better understand what is happening to the world's climate and how global climate change is going to adversely impact our lives, I would oppose the gentleman's amendment.

Most importantly, I would just like to suggest to the gentleman that this isn't the place to deal with this issue particularly at this time.

I reserve the balance of my time.

Mr. BROUN of Georgia. Well, I respectfully disagree with my friend that this is not the place. We are throwing money at something that has not been established, and you're funding something that's not needed—a whole new agency. NOAA has no clue of how to deal with this new National Climate Service. In the Science Committee, we've gone through the authorization process, and we've had multiple proposals given to us. Over and over again, the majority has shot down every proposal besides just establishing this new agency that's not needed.

Nobody knows how to operate this thing. Nobody knows what it's going to do. If, indeed, this is funded, it is going to totally remove from Congress any oversight or anything else, and it is going to put it in the executive branch. We've got to save the taxpayers' dollars. We've got to stop this egregious spending of money that we don't have. It just has to stop.

Mr. MOLLOHAN. Mr. Chairman, I would close my opposition with the observation that there are no funds in the bill to establish a National Climate Service. There is money in the bill to fund weather observations, which relate to climate observations, and which is collected in the normal course of the National Weather Service's operations.

We anticipate the authorizing committee will come forward with such a suggestion. We'll see how it fares on the floor of the House and in Congress and if the President signs it into law as time goes forward; but there is, in fact, no money going to establish the National Climate Service in this bill.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. MOLLOHAN. I will yield.

Mr. BROUN of Georgia. Will you assure me that, in conference, if the authorizers do not put into place an authorization of new climate service that no funds will be expended on establishing a new National Climate Service?

Mr. MOLLOHAN. No, for the same reason I wouldn't assure the gentleman from Indiana before.

What happens in conference is in the context of all of the issues that are being considered in conference. So I can't predict that future, and I won't

commit to any specific attitude in conference.

I will point out that the authorizing committee is considering this. We respect the authorizing committee process. If they were not to authorize a National Climate Service, then that would be something that we would take seriously into account as we engage in conference with the Senate.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. MOLLOHAN. I will yield to the gentleman.

Mr. BROUN of Georgia. Well, there are funds appropriated, and they are in this bill to establish this unneeded, totally unauthorized Climate Service, and I am adamantly against establishing that.

The CHAIR. All time has expired.

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

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

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

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

□ 1930

AMENDMENT NO. 60 OFFERED BY MR. BROUN OF GEORGIA

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. BROUN of Georgia:

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

SEC. _____. None of the funds made available in this Act may, for purposes of carrying out the 2010 decennial census, be used to apply the statistical method known as "sampling".

The CHAIR. Pursuant to House Resolution 552, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard it a thousand times that every vote counts, but, Mr. Chairman, if we allow for the use of the practice known as "statistical sampling," as this bill clearly allows, it is my fear that every voter will not be counted and maybe some voters might be counted more often than others.

Since the new administration has come into office, they have made it known that they plan on politicizing this basic constitutional function of the Federal Government. At a time when the Federal Government is endlessly enacting unconstitutional laws and executive orders, it is incumbent upon this body to safeguard at least one obligation that is required of us by the Constitution of the United States.

The Constitution requires the government to take an actual head count. Not a guess, not an estimate, but a physical head count. Statistical sampling, however, simply creates profiles and assumes how many people live in various parts of our country, and it does not actually do any counting.

In other words, sampling makes people up. It even guesses their age, their sex, their race, and even their background. Implementing this process would undoubtedly leave the census open to massive amounts of fraud and political tinkering. With groups out there like ACORN, who are potentially in line to be entrusted by our government anyway, allowing sampling to be used in addition to their already known shady practices, we might as well just say we don't care in the least about getting accurate results. Mr. Chairman, enough is enough. We must take legitimate steps to ensure the integrity of next year's census.

I believe there was another amendment made by my friend Mr. MCHENRY from North Carolina that would have done even more to ensure the integrity of this process. Mr. MCHENRY and my friend and colleague from Georgia (Mr. WESTMORELAND) have worked tirelessly on this very issue. They know more than any other Members in this Chamber the pitfalls and the constitutional concerns that come with the use of statistical sampling, both as it relates to the census and to the apportionment process of this very body. But because of this gag rule that the majority has imposed upon us, Mr. MCHENRY's amendment will not be eligible to be debated, which is shameful. This is just one example of how the Democrats' decision to completely close off the amendment process for this bill is ending up shutting out meaningful debate.

The tactics employed yesterday in the dead of the night are completely against the promise of openness and honesty that this body is supposed to stand for.

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

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, first of all, I want to assure the gentleman that the Census Bureau will not use sampling for purposes of apportionment. To the extent that's a concern, I want to extend that assurance. The Supreme Court has already ruled against the use of sampling for the purposes of apportionment, and it will play no role in the apportionment next year. Existing law prohibits the use of sampling for apportionment.

This amendment would prevent the Census Bureau from completing important aspects of the census that are unrelated to apportionment, such as coverage measurement. Coverage measurement is used to measure the undercount and thus assure the qual-

ity, and provides a performance measure, if you will, Mr. Chairman, for the decennial activities. The Bureau needs this data to identify gaps in coverage and to improve its process so that Americans can be assured of the best possible census in the future.

Now, I've heard this debate for the last several censuses. Sitting on this committee, we deal with this issue every 10 years. Sampling is a statistically sound methodology. Again, it's not going to be used for apportionment, assuring the gentleman. But it is a statistically significant and accurate way to have a better count. It's sound, and it achieves accuracy, and that's the whole point, through a scientific method.

Now, I didn't take statistics, so I have to rely upon the scientists to tell you this, but I've listened to enough of them assure us that that's the way they get a better count, a more accurate count, and isn't that tremendous that we have these sophisticated methods to achieve that?

So to oppose sampling in and of itself, I think, is to disagree that sampling does achieve greater accuracy, and I think that is disagreed with by the scientific community.

Mr. Chairman, at this point I yield 2 minutes to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I would like to thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding.

Mr. Chairman, I believe that this is an amendment that tries to solve a problem but, instead, it creates a problem that does not exist but is written so broadly that it creates all kinds of other problems.

I understand that the gentleman from Georgia opposes the use of statistical sampling for the apportionment of seats in the House of Representatives. The Supreme Court has already ruled that this is not allowed, so you can forget about that. There is a Federal statute that already prohibits it, and the administration has repeatedly stated that it will not be used. Sampling will not be used to adjust the 2010 census.

So this amendment is not necessary. This is a blocking amendment. This is an in-the-way amendment. The problem is that this amendment is written so broadly that it would also prohibit commonly accepted techniques that the Census Bureau uses for quality control and other surveys.

Next year the Census Bureau will use sampling as a part of its coverage measurement program after the main count in order to estimate how well it counted the entire country. This amendment interferes with that. The Census Bureau uses sampling for other statistical work, including the American Community Survey. The American Community Survey provides Congress and the public with specific and valuable data about our Nation's population that State and local governments need in order to make the best

decisions they can make. It is an important tool for policy-making at the Federal level. We want to make sure that the Bureau can still provide this necessary information. Please do not tie their hands.

As Chair of the committee that has oversight of this, I urge my colleagues to oppose this amendment. This is an awful amendment. It does not do anything to help get to where we need to go.

Mr. BROWN of Georgia. Mr. Chairman, I yield myself 30 seconds.

I respectfully disagree with my friends on the other side. This doesn't have anything to do with the American Community Survey. It has to do with the census, and that's the reason that the amendment is written the way that it is written. It says the census and the census only. It has to do with the census. It has to do with the apportionment that's based on the census. And the Constitution requires actual counting, not statistical surveys or statistical sampling. It is to ensure integrity that we know who's here and what they're all about. And that's what my amendment is all about.

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

Mr. MOLLOHAN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. BROWN of Georgia. Mr. Chairman, this whole amendment process is flawed. We had other amendments that were maybe considered better. And because of these flaws, the American people surely will not receive the accurate census that the Constitution requires that they receive next year.

We have made many efforts to try to cut spending, but those were all counted out of order too by the new rule. This is a flawed process that is deplorable, and we should have let the process go on. And I find it detestable, frankly.

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

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 79 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk, No. 79.

The CHAIR. Is the gentleman the designee of the gentleman from California (Mr. LEWIS)?

Mr. HENSARLING. Yes, I am.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. HENSARLING:

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

SEC. __. None of the funds made available by this Act may be used by the Art Center of the Grand Prairie, Stuttgart, AR, for the Grand Prairie Arts Initiative.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike an earmark in the bill for the Arts Center of the Grand Prairie in Stuttgart, Arkansas.

I'm not a big fan of earmarks, be they congressional earmarks or administration earmarks. That's not to say that all earmarks are bad. In fact, the gentleman from Texas to my left here, Mr. Chairman, has proposed several very worthwhile earmarks.

But, Mr. Chairman, we are not living in normal times. We are in severe economic stress in our Nation today. And as I look at what has happened in the United States Congress, what I have observed is that in the history of Congress never have so few voted so fast to indebt so many.

Already on top of a staggering, staggering national debt, we have seen a \$700 billion bailout program that continues today, a \$1.13 trillion government stimulus bill that does nothing to help our economy, a \$400 billion omnibus bill chock full of even more earmarks. All of this is costing hundreds of thousands of dollars to hardworking American families.

Mr. Chairman, the President himself has said that he is losing sleep at night over the national debt. Well, I would love for the President to sleep better at night, and maybe he could quit proposing the bailouts. Maybe Members of Congress could quit proposing all of the earmark spending.

Now, this is relatively small as far as the dollars are concerned, \$155,000 apparently to fund an afterschool and summer arts program.

□ 1945

But, Mr. Chairman, under this Democratic Congress, the national debt will triple in 10 years. The Federal deficit has gone up tenfold in just 2 years. We're borrowing 46 cents to spend \$1 here. We're borrowing money from the Chinese, and we're sending the bill to our children and our grandchildren, which causes me to question, is this the best expenditure for \$155,000 of the taxpayer money?

Mr. Chairman, I'm a veteran of many of these earmark battles. They have been going on for years. I know from history what we will hear. Number one, we will hear, Nobody knows my district like I do. Mr. Chairman, I concede the point. I do not know the gentleman from Arkansas' district like he does. I suspect I will hear that good things can be done with the money. Mr. Chairman, I concede the point. I'm not familiar with the Art Center of the Grand Prairie. My guess is they do wonderful, wonderful work, although I am unfamiliar with how it's necessarily related to Juvenile Justice. I will hear that Congress has the authority to spend this money. I concede the point. Congress has the authority to spend the money. It doesn't mean it's smart. It doesn't mean it's wise. It doesn't mean

it's helpful. But yes, Congress has that power.

My complaints are twofold. Number one, again, when we're borrowing 46 cents on the dollar, borrowing money from the Chinese, sending the bill to our children and our grandchildren, encountering more debt in the next 10 years than in the previous 220 combined, we've never seen levels of debt since World War II. Is there any time that we decide, maybe something isn't a national priority? And as good as the work that they do at the Art Center of the Grand Prairie in Stuttgart, Arkansas, I would suggest to you that there are alternative uses for this money that would help families in America, and it is not a priority, and we must start this spending discipline somewhere.

I reserve the balance of my time.

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

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

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas, a member of the Appropriations Committee, Mr. BERRY.

Mr. BERRY. Mr. Chair, I thank the chairman, the gentleman from West Virginia, and congratulate him on putting together a good bill and bringing it to this House floor and moving it forward.

My colleagues across the aisle, as they have suffered in the minority, talk more trash than a \$3 radio. It's amazing. Actually, it would almost be funny if it were not so serious. But they took over this country in January of 2001 with a balanced budget, a \$5 trillion surplus and the votes to pass anything they wanted to pass, and they did. And they imposed their will on the American people. Their idea of how to grow an economy is, give as much money as you can to the rich people. Don't regulate them at all. Let them do anything they want to, and hope Wall Street takes care of you. Well, we all see what happened.

This year we find ourselves in the worst economic circumstance that anyone can imagine. It's happened one other time in this country. As I've listened to the debate, it sounds like a ghost from the Hoover Republicans trying to stop Franklin D. Roosevelt from rebuilding this country, making it a great Nation again, and putting it in a position where it could fight and win World War II. What he did was invest in the people and invest in the country, and we did it, and it worked.

I make no apologies for our attempt to invest in the children of the Grand Prairie in Stuttgart, Arkansas. So I rise today in support of funding for the Art Center of the Grand Prairie. The Art Center is a nonprofit organization that provides after-school and summer programs for troubled youth.

While the Art Center provides valuable artistic instruction and activities,

we don't need to turn this into an argument over whether the Federal Government should be a patron of the arts. We need to look at the real point of the program, engaging at-risk youth and preventing crime. That is the benefit the Federal Government and society as a whole will derive from this project. It is a worthwhile investment in our children. The funds for this project come from the Department of Justice, specifically the Juvenile Justice and Delinquency Prevention Program. According to DOJ's own description of the program, Juvenile Justice grants support "prevention and early intervention programs that are making a difference for young people and their communities." The Art Center of the Grand Prairie is a perfect example of this type of program.

During the school year, the Art Center's after-school programs can serve as a valuable supplement to each child's education by emphasizing task-oriented instruction, learning to create a project from start to finish and supplementing critical reading and writing skills in the process.

Most importantly, these programs engage children off the streets during afternoon hours between 3 p.m. and 6 p.m. They're primarily staffed with many good, hardworking people that volunteer their time. It's well known by law enforcement that this is the prime time for juvenile crime, vandalism and violence.

Outside of the school year, the Art Center's summer art program provides week-long programs for youth, engaging them with positive educational activities that stimulate creative thinking, get children reading and writing, and stem the summer brain drain. These summer camps are open to youths who would not ordinarily get the opportunity to attend this type of program or any other program, as evidenced by the fact that approximately 65 percent of the attendees are on full scholarship. Federal funding for the Art Center of the Grand Prairie will ensure that these programs can continue to grow and make a positive impact on the lives of even more young people.

The amendment offered by the gentleman from Texas would not save the taxpayers a dime. I ask that this amendment be defeated.

I thank the gentleman from West Virginia for his time.

Mr. HENSARLING. Mr. Chair, may I inquire as to how much time is remaining on each side?

The CHAIR. The time has expired on the majority side. The gentleman from Texas has 30 seconds remaining.

Mr. HENSARLING. Thank you, Mr. Chairman.

I am certainly not equipped to speak to the \$3 radio generation, but I think I can speak somewhat to the \$50 iPod generation because the \$155,000 to be used for the gentleman's earmark will be borrowed from the Chinese and sent to that generation.

Now when the Republicans were in control and we had a \$300 billion deficit, the now Majority Leader STENY HOYER called that fiscal child abuse. Now we have a \$1.8 trillion deficit. This earmark makes it \$155,000 worse. Fiscal child abuse for the iPod generation. It should not be accepted.

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

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

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

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

AMENDMENT NO. 76 OFFERED BY MR.
HENSARLING

Mr. HENSARLING. Mr. Chairman, I rise as the designee of Mr. LEWIS of California to offer amendment No. 76 as printed in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. HENSARLING:

SEC. ____ None of the funds made available by this Act may be used by the Maine Department of Marine Resources, Augusta, ME, for Maine Lobster Research and Inshore Trawl Survey.

The CHAIR. Pursuant to House Resolution 552, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Thank you, Mr. Chairman. This amendment would strike a \$200,000 expenditure, another earmark, for the Maine Lobster Research and Inshore Trawl Survey.

I believe, if we've counted properly, there's roughly 1,100 different earmarks contained within this appropriation. Again, I want to make it very clear that all earmarks are not bad. But I'm not a fan of earmarks, be they congressional or administration. Too often in the earmark process, what we observe, what the American people observe is a triumph of special interest or local interest over the national interest or the public interest. Too often we see a triumph of seniority in political considerations over merit. Too often we see the triumph of secrecy over transparency, and all too often for this body, Mr. Chairman, the American people believe they see money coming in on one end of Capitol Hill and earmarks coming out of the other. The system is broken. The system must be reformed.

Again, Mr. Chairman, relative to the Federal budget, it may be a small portion of the total spending. It is a huge portion of the culture of spending. We need a culture of saving. You cannot earmark, bail out, borrow and spend your way into prosperity, no matter what my colleagues on the other side

of the aisle believe. It cannot be done. We have seen no example in history whatsoever.

Now, Mr. Chairman, I have no doubt that this Maine Lobster Research and Inshore Trawl Survey is very important to the State of Maine. I have no doubt about that. I wonder, though, how much Federal money is already going into lobster research. I wonder if it is truly a Federal priority. How about catfish? How about pecans? How about research for yams and sweet potatoes? Are those, indeed, national priorities? And if it's not a national priority, if it's important for the State of Maine, why didn't the State of Maine pay for it? If it's important to these local communities, why don't the local communities pay for it? Why didn't the Chamber of Commerce pay for it? Why don't commercial companies pay for it? Why don't co-ops pay for it?

Somebody needs to explain to me why the Dublin family in Palestine, Texas, that needs money to pay their mortgage, why do they have to pay for it? Why does the Mauk family in Athens, Texas, when they need this money to put gas in their car, why do they have to pay for it? Why does the Lilly family in Kaufman, Texas, that need money to pay for their health care premiums on their insurance, why do they have to pay for it? I don't understand that, Mr. Chairman, and I don't think it's right. I don't think it is right at a time of economic crisis.

You know, we're losing small businesses by the thousands. The average small business is capitalized by \$25,000. This \$200,000 expenditure right here, that could mean the difference of saving eight small businesses and the jobs they represent in this great Nation of ours. But instead, it's going to be spent on the Maine Lobster Research and Inshore Trawl Survey. No doubt it's important to Maine. No doubt they're doing good work. But Mr. Chairman, again, is it worth borrowing money from the Chinese, sending the bill to our children and grandchildren, and maybe being the first generation in America's history to leave the next generation with a lower standard of living? It's not fair. It's not smart. It's not right. It needs to be rejected.

I reserve the balance of my time.

□ 2000

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

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

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlelady from Maine (Ms. PINGREE) who is a member of the Rules Committee.

Ms. PINGREE of Maine. Thank you to the Chair of the committee for yielding me this time.

Now, you can imagine when I first saw this amendment I was quite angry,

and I don't want to be discouraged about the motives of the good Representative from Texas, so I thought, well, perhaps the good Representative from Texas doesn't understand the importance of this to Maine. And as he said, in many ways he doesn't. I know, because he has a farming district. I'm sure in his district, it's important to him to have dairy program subsidies, cotton subsidies, wheat subsidies—millions of dollars of which come into his State every year.

This is \$200,000, Mr. Speaker, to a very important industry in our State, the lobster fishing industry.

Now, if you're from Texas, fishing may seem like a distant thing, and I understand that may be complicated. But let me just say that fishing is a common resource. This \$200,000 helps us to monitor these fisheries, a very tightly controlled and restricted fisheries, but very successful fisheries in our State because of it. And this is the subsidy that the Federal Government—as well as our State government—gives to help make sure that this stays a healthy resource.

Now, just to give you a sense of the size of this industry, there are 7,000 licensed fishermen in the lobster industry. They brought in 69 million pounds of lobster in the last year. Now, I know in Texas, \$242 million may not sound like a substantial contribution to the economy, but that's big money in the State of Maine. And fishing is big business in our State and very important to our State. Eighty-five percent of all of the lobsters in this country come from the State of Maine.

Now, it may be that you think about lobsters as some sort of glamorous food, but the fact is we're talking about hardworking fishermen. And let me tell you a little bit about how this industry works. By law in the State of Maine, these are basically individual entrepreneurs. Each one of these fishermen is a small business, and it's a family business for most people who go lobster fishing in the State of Maine.

Unlike other States where you may have big corporate farms that get big corporate subsidies, these are individual fishermen. This is not a subsidy to them. This is making sure that there is a resource for them out there, and by law, they operate as individuals. They buy the gas, they pay for their boats, often their own children go to work with them on the boat every day. They get up early morning, work long, hard hours, and struggle with a resource that isn't always abundant and plentiful. That's why we need to monitor this resource.

It's been a tough year for the fishermen in our State, partly because of the economic downturn. These fish are often processed in Canada and the Canadian banks had a problem because they were affiliated with Iceland last year. So these fishermen have been struggling. These hardworking fisherman just want to make sure that there is a resource available to them in the future.

Mr. Chairman, it is possible that the good Representative from Texas did not understand how vital this was to the State of Maine. It is possible that he thought this would be a way to use our subsidy of the fishing industry as an example. But I just want him and everyone else here in this body to know that this is one of the most regulated fisheries in the world. These are some of the most hardworking fishermen in our country.

This is an important resource to our State, and \$200,000 isn't very much to ask to a lot of hardworking people who contribute to our economy in the State of Maine every day and are counting on our support.

I hope that the good Representative from Texas will withdraw his amendment. But if not, I urge everyone in this body to vote against this and to vote for the economy and the State of Maine.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding.

The Lobster Institute CORE initiative is a tremendous, worthwhile project that helps sustain a vital industry in the State of Maine. This resource is vital to maintaining the jobs and livelihoods of thousands of people. In order to maintain an important part of our economy, we must continue to monitor the resource, in part so that we do not overfish.

In Maine alone, more than 40,000 jobs depend on the health of this industry. In all, the industry contributes an indispensable \$1 billion a year to the Maine economy—\$1 billion a year. As other fisheries have declined, fishermen have increased their dependence on lobster.

Mid-coast and down-east Maine have the most fisheries-dependent communities in New England. Effective lobster management is a key element to the economic stability of this industry. These programs monitor the health and sustainability of the lobster resources and are the foundation of the industry management program. Their continuation is not only essential to the successful preservation of the lobster population, but the preservation of tens of thousands of jobs in the State of Maine.

So I urge my colleagues to oppose this amendment.

The CHAIR. The time of the gentleman from West Virginia has expired.

Mr. HENSARLING. Mr. Chairman, contrary to the gentletady from Maine, I did not come here quite angry, but I do come here disappointed.

I'm sure that her motives are good and pure, but she has brought to us an earmark that takes \$200,000 away from taxpayers in my congressional district in order to benefit people in her congressional district. Maybe she doesn't understand what \$200,000 means to the working families of the Fifth Congressional District of Texas; and, ulti-

mately, maybe she doesn't understand borrowing 46 cents on the dollar, borrowing it from the Chinese in order to send the bill to our children and grandchildren, something that Majority Leader STENY HOYER once described in increasing the Federal deficit, fiscal child abuse. We must have priorities. We must reject this earmark.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 105 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I rise as the designee of the gentleman from California (Mr. LEWIS) to offer amendment No. 105.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 105 offered by Mr. CAMPBELL:

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

SEC. _____. None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Training the Next Generation of Weather Forecasters project of San Jose State University, San Jose, California, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$180,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, as the gentleman from Texas before me pointed out, this Nation right now is awash in debt. The Federal deficit is around \$11 trillion, I think, at last count, but I think it's going up so fast, about \$2 trillion a year, that it's probably larger than that now. And I don't know exactly what it is.

But 46 cents of every dollar spent by the Federal Government, spent by this Congress on the budget this year will be borrowed—46 cents of every dollar spent is going to be borrowed. The deficit will double in 5 years and triple in 10 years. Interest payments on the debt, interest payments alone are projected to be \$1 out of every \$6 of Federal spending by 2019; \$1 out of every \$6 we would spend just to pay interest on the debt.

Our level of debt is projected by 2011 to reach 70 percent of our gross domestic product. Seventy percent of gross domestic product now for most people listening, Mr. Chairman, that may not

mean anything much, but it's roughly the level where the United Kingdom, Britain, is at today, which resulted in a warning that they may get their credit rating downgraded. If that were to happen to the United States Treasury, then our interest rates would go up even more.

These deficits, interest payments on the debts, will reach almost a trillion dollars coming forward. Chairman Bernanke has said we can't expect to continue to borrow even 4-5 percent of GDP in the future, but the President's budget proposal has deficits ranging from 4-6 percent of GDP.

Mr. Chairman, the debt we have is absolutely unbelievable and unsustainable. We have to stop spending and borrowing so much money.

So this amendment is dealing with a proposed \$180,000 to be spent on "training the next generation of weather forecasters for San Jose State University, San Jose, California."

Now, Mr. Chairman, weather forecasting is a fine profession, and I'm sure San Jose State does a fine job teaching weather forecasters, as I'm sure weather forecasters around the country do. The question is, do we want to borrow another—because it will all be borrowed—borrow another \$180,000 for this purpose? Do we want to subsidize the training at this university and not subsidize it anywhere else it is done? Is this \$180,000 so critical—because we really shouldn't be spending anything right now and borrowing more money unless it's really critical to our needs in the future—is this \$180,000 that critical that we should borrow it again going forward?

I reserve the balance of my time.

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the gentleman from California, a member of our subcommittee, doing an excellent job on that subcommittee, Mr. HONDA.

Mr. HONDA. I would like to thank my chairman for this opportunity.

I rise in opposition to the gentleman from California and his amendment. I'm pleased to have this opportunity to talk about what may well be the most important problem facing our world today, global warming, and about this important project to help us deal with it.

The gentleman and many of his colleagues on that side of the aisle may wish to keep their heads in the sand about global warming, but I believe we need to prepare to deal with the problem today. And I'm not alone in this view.

The United States Global Change Research Program, which coordinates and integrates Federal research on changes in the global environment and their implications for society, released a new report yesterday that provides authoritative assessment of national and re-

gional aspect of global climate change in the United States.

This new report provides a valuable, objective scientific consensus on how climate change is affecting and may further affect the United States. It reveals that climate change will alter precipitation patterns on the timing of mountain snow melt, and predicts that climate change could bring parching droughts to the southwest, home of the gentleman offering this amendment.

One of the keys to dealing with these changes is going to be adaptation, developing ways to protect people and places by reducing their vulnerability to climate changes.

To properly adapt to more extreme climate events, we need to have more data, accurate weather forecasting, weather forecasters trained to predict the extreme events expected with climate change, can give the American people the advanced warning needed to deal with—or even escape from, if necessary—these dangers and avoid tragedies such as Hurricane Katrina.

The funding for this amendment would be used by San Jose State University to complete the development of a field experience curriculum to supplement the existing bachelor of science in meteorology program. This will allow San Jose State University to better train the next generation weather forecasters helping to ensure that government can plan and respond properly.

By the way, this is a one-time shot that will be used over and over again as instruction goes on.

The field experience will improve the quality of the graduates by exposing them to a wider array of weather phenomenon that is typically experienced where the school is located. This will enhance their ability to recognize and forecast the wide array of weather that is likely to be experienced in California and across the Nation in the next 30 years as we experience climate change.

□ 2015

I know the gentleman often asks why this project and others are not worthy projects. Well, the Department of Meteorology at San Jose State University is the only meteorology department in the public university system in the State of California, the Nation's most populous, with a strong focus on the undergraduate program. There are very few bachelor of science in meteorology programs in the western States, so the benefits of this program will extend to other States in the region whose students will attend San Jose State. There are not a lot of options for developing this important curriculum, and San Jose State University has the faculty base capable of developing and offering this new course.

The gentleman also often asks, why should the Federal Government be funding this? I think NOAA makes that point for me. The headline from a NOAA News online story from the agency's Web site reads, "NOAA leads

climate impact and adaptation activities." This is what NOAA does.

In its own words, NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events. The curriculum that the funding in this bill will complete will help NOAA achieve this mission.

The university will seek other funding sources in order to offer the class after it has been geared up. But to get the program started, I think it is perfectly appropriate for NOAA to make a small investment in the development of a field experience course that will help to better train the next generation of weather forecasters to predict the extreme weather events that are expected to accompany climate change.

Just a side word on this. When I was going to San Jose State back in the sixties, several new words like "ecology," "food web," "smog" and other terminologies which are common among youngsters today started then at universities, and today, these are concepts that are necessary for understanding the kinds of things we are faced with.

Mr. CAMPBELL. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. CAMPBELL. I appreciate the arguments from my colleague from California and his eloquence in presenting them. However, one of the things I would like to point out to the gentleman is that, unless we missed it somehow, I believe that all earmark requests are supposed to be shown on your Web site, and we were unable to find this on your Web site. But we were able to find that there was some of this funded last year, I believe, so that this is not simply a one-time funding request but, in fact, a multiple-year funding request.

And as noble as the quest and so forth is that the gentleman described, San Jose State is a publicly supported university. It's part of the Cal State University system. And I guess part of the question is, can we continue to do this, Mr. Chairman? Can we take and borrow another \$180,000 to put into this program to subsidize this program further? And is that such a critical need that this program gets another \$180,000 from the Federal taxpayer, borrowed by the Federal taxpayer, that we can't take, starting now, just take \$180,000 and save it and start to reduce the deficit and start to save a little money and start to reduce that debt so that hopefully we can begin to get this thing under control? Until we start to do that—I understand the gentleman's concern, Mr. Chairman, but until we start to do that, we are not just condemning our children and grandchildren to a mountain of debt, it is piling up so fast that we are condemning ourselves to a mountain of debt.

Mr. Chairman, I yield back the balance of my time and ask for an "aye" vote.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

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

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

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

AMENDMENT NO. 104 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I rise as the designee of Mr. LEWIS of California to offer amendment No. 104.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 104 offered by Mr. CAMPBELL:

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

SEC. _____. None of the funds provided in this Act under the heading "Minority Business Development Agency—Minority Business Development" shall be available for the Jamaica Chamber of Commerce, Jamaica, NY, for the Jamaica Export Center, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$100,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, you know, you don't get a mountain of debt without spending the money first. I would like to talk a little bit about the spending that this Congress and this President are doing.

Nondefense discretionary spending—so that is basically nondefense and nonentitlement spending—for 2010 is rising in these appropriations bills we're dealing with now from the current year by 12.8 percent. That's \$57 billion more that we're going to spend in the next fiscal year than we're spending in the current fiscal year only on nondefense discretionary spending.

Now, Mr. Chairman, if you look at what's happening in the economy right now, growth is not—there is no growth. We are down. GDP is falling by somewhere from 4 to 6 percent on an annualized basis. And what that means is that the incomes of Americans are falling by 4 to 6 percent. They're not going up by 4 to 6 percent or 1 percent or 2 percent. They are, on balance, falling by 4 to 6 percent—obviously, some more than that, some less than that. But in this period when the incomes of Americans are falling 4 to 6 percent, should the government be increasing its bureaucratic spending by almost 13 percent? And if it does, where is that going to come from? If Americans are making 4 to 6 percent less, how is the government going to continue to spend 13 percent more?

If you include defense spending, total discretionary spending is rising by 8 percent this year. And these numbers that I have just thrown out are in addition to the \$787 billion stimulus bill that was passed earlier this year. When you put that into effect, Mr. Chairman, many of the agencies of government saw their budgets double over the previous year at a time when regular Americans at home are cutting back. And what are they going to have to do? This money doesn't drop out of the sky. I know people say, Oh, well, this spending is good for the economy. It doesn't drop out of the sky. It has to be borrowed or it has to be taxed, and right now we are borrowing it, and someday the people on the majority side will probably want to tax it. And that, Mr. Chairman, is an unsustainable process.

The President's budget increases spending to more than \$4 trillion, which is now 29 percent of the gross domestic product. That basically means almost \$1 out of \$3 of output in the country is now done by the Federal Government, not including State and local governments. After 10 years, the national debt will be a quarter of GDP. For every dollar the U.S. produces, 25 cents is eaten up in debt.

Mr. Chairman, this particular earmark funds the Minority Business Development Agency for the Jamaica Chamber of Commerce in Jamaica, New York, for the Jamaica Export Center. Now, Mr. Chairman, it's \$100,000 that is proposed to be spent—another \$100,000 to be spent, another \$100,000 to be borrowed, another \$100,000 we don't have, Americans don't have—that is going to have to be borrowed or taxed to be spent for the Chamber of Commerce in Jamaica, New York, to set up an export center. Mr. Chairman, that just doesn't seem to me as a critical need at this time that we should be spending \$100,000 more on to do.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. I thank the gentleman from West Virginia.

You know, I have been listening for a while, and if ever there was a bill or position I think that we should agree upon, it's this piece.

I heard Mr. HENSARLING say on the floor that we are losing small businesses by the thousands, and I agree with that. People are losing jobs, small businesses, which is the backbone of America. And I've heard my colleagues on the other side of the aisle talk often and defend the backbone of America, our small businesses; without them, the average everyday American is in trouble.

And so it is that as you look at the Jamaica Chamber of Commerce Export Center, which supports the needs of small and midsized freight-forwarding businesses—small business—that surround John F. Kennedy Airport and that aims to provide economic and industrial relief to New York City communities that are grappling with an exodus of export and freight-forwarding jobs and businesses, we're losing the jobs, small businesses are closing. The average everyday American is asking those of us in Congress to help them.

John F. Kennedy Airport, once the premiere airport for shipping cargo, has fallen, causing the loss of thousands of jobs. As a primary employer, the freight-forwarding firms in Queens County employ approximately 41,000 people directly. Studies project that for every 1,000 air transport jobs that are lost means there are an additional 470 jobs in associated industries that are also lost. So it seems to me that the perfect remedy to save jobs in various areas is to help keep small businesses running and thriving.

It's estimated that the industry has already lost 4,000 jobs in the areas surrounding John F. Kennedy Airport. This issue became even more pronounced after the tragic events of 9/11, which had a devastatingly negative impact on the airlines and related industries in New York City. In an effort to help sustain the 1,300 small and midsized firms located off the airport site, the Jamaica Chamber of Commerce opened the Export Center.

The center's incubator, one of its main features, happens to encourage minority and female entrepreneurs to operate freight-forwarding businesses by offering technical assistance from a major university business center, keeping them in business and lowering their costs through the collective use of facilities.

If this project is earmarked, the funds would be administered by the Minority Business Development Agency under the Department of Commerce, whose goal is specifically—this is what they're there for—to foster the establishment and growth of minority-owned businesses in America. It aims to address the historical disparity in the number of minority businesses and the large gap that still remains so that small businesses and minorities can get involved in the great American Dream of owning a business and creating jobs in a community in which they reside. It specifically encourages the development of entrepreneurship programs that increase the success of minority- and women-owned businesses.

The Jamaica Chamber of Commerce Export Center does exactly and supports the goals specifically that the program within the Department of Commerce is charged to do. So there is a perfect match here to create jobs, to get people to become small business owners, to maintain low overhead. I think that that's what the American people want. And by doing this, we are

saving jobs not only in one area, but in many areas. To me, that is something that should be applauded, not something that should be taken away.

We match the very definition of what the Department of Commerce has talked about, a perfect match. And we give, in this process, daylight so that the American people can understand we're trying to help them.

Mr. CAMPBELL. May I inquire of the Chair how much time I have remaining?

The CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. CAMPBELL. Mr. Chairman, I would like to point out to the gentleman from New York as well that we could not find this earmark request on your Web site, which I believe is something that the committee rules require, we could not find that. So that is one thing we would like to point out to you.

But also, Mr. Chairman, what this \$100,000 that we are going to borrow does is subsidizes—

Mr. MEEKS of New York. Would the gentleman yield?

Mr. CAMPBELL. Very quickly, yes, I will yield.

Mr. MEEKS of New York. I would just say it is on the Web site. Later I can show you that it's on my Web site.

Mr. CAMPBELL. We would be happy to see it. We were not able to find this project.

But reclaiming my time, Mr. Chairman, it subsidizes \$100,000 it would borrow for the Chamber of Commerce in Jamaica, New York. The Chamber of Commerce in Jamaica, New York, is a private entity funded by private businesses. So we are using \$100,000 of taxpayer money to subsidize private businesses here at a time when we don't have the money. And if we're going to do it for the Chamber of Commerce in Jamaica, why not do it for the Chamber of Commerce in Irvine, where I live, or the thousands of Chambers of Commerce that exist all over the country.

□ 2030

Mr. Chairman, I would ask for a "yes" vote on this amendment to remove this \$100,000 and save a little bit, and start now by not doing this sort of thing anymore that is just not of a critical nature, given the debt and deficits we have.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

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

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

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

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

The CHAIR. In striking the last word, the gentleman may not yield specific blocks of time.

Mr. MOLLOHAN. Thank you for reminding me of that, Mr. Chairman.

I yield to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I just wanted to make sure that I made clear on the record that the Jamaica Chamber of Commerce in Queens, New York, is not a private entity. It is a not-for-profit organization that is a public organization that depends upon public funds, and the City of New York, the State of New York, and the Federal Government all try to support it because it is a not-for-profit organization in the City of New York to help people create jobs in the Queens area.

Mr. MOLLOHAN. I yield for a response to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I understand that chambers of commerce are nonprofit organizations, but they are funded by profit-making organizations and their purpose is to try to help those organizations network and make more profit. There is obviously nothing wrong with chambers of commerce. They are great things and they are all over and all that.

But my objection to these things, it wouldn't matter if it was Jamaica, New York, or if it was down the road from me. I don't know how many chambers of commerce there are in the United States, thousands of them, tens of thousands, but should we be sending money to one and not another? And aren't these entities that should learn to live and learn to do their work without subsidies from the taxpayer, particularly given the deficits and debts and the situation that we are in now?

In my home State of California, we have an unemployment rate in excess of 11 percent. So I get it, what is going on and so forth with the economy out there. But if we go down this road of starting to subsidize these chambers of commerce, it will never stop, is my fear. We have got to stop spending what we are spending, not to mention not spend more.

I thank the gentleman for the time.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HONDA).

Mr. HONDA. I thank the gentleman for yielding.

Just to respond to my friend on the other side who indicated that on my Web site the item of San Jose State University for training the next generation of weather forecasters was not on my Web site. Mr. CAMPBELL, I have a copy of my Web site here. So I am going to tell you right now that it is on the Web site and has been there. So when you make those kinds of accusations, I think that you need to double

check what it is that you are going to be saying.

To the idea of \$180,000, although it may be small, what about this: by 2025, it is estimated that the four global warming weather kinds of damages in terms of energy costs, estate costs, hurricane damage, those four kinds of global warming impact damages will cost approximately—I want you to hear this number, Mr. CAMPBELL—\$271 billion. That is estimated damages in the future. So \$180,000 doesn't seem like a lot of money, but it is a great investment.

I come from an area called Silicon Valley where we understand ROI, immediate return on investment, and I think if we can reduce the damages of \$271 billion with a \$180,000 investment, that is a good investment by any means. And these are not only damages to property, but how about lives? Being able to predict properly the weather and do it in a way where people can avoid a holocaust because of the weather, I think \$180,000 is a good investment.

Coupled with \$271 billion in anticipated costs by the losses due to global warming and climate changes, and the saving of lives, \$180,000 is a minuscule amount, but it is a good investment by any standard.

So, I just want to reiterate, it is good to be able to say that it is not on the Web site, and when you are not there in front of your computer, it is hard to say that he is wrong. But I just had to take this opportunity to let you know that going back to my Web site, I can show you, if you would like to see it, the iteration that we have on our Web site.

I suspect that any other comments regarding other Members' Web sites, that these things are not apparent on the Web sites, could be questioned.

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I think we have engaged in a very healthy and productive debate tonight that illustrates the very profound and important philosophical differences of the fiscal conservatives in the House and those in the majority who are, with good intentions, doing everything they can to take care of the Nation's needs, but at a far higher price tag.

I as a fiscal conservative and member of this committee appreciate very much the work that Chairman MOLLOHAN has done to include both Members of the minority and the majority in putting together this final bill, but I as a conservative have profound concerns about the level of spending in this bill and other bills.

I, for example, looking at the amendments before us tonight that we have discussed, I see Mr. PRICE of Georgia's amendment. Representative PRICE was asking that we cut this bill by 1 percent, one penny out of every dollar, and allow the individual agencies to

decide where to reduce that penny out of every dollar. To me, that is an absolutely sensible and in fact frankly a modest approach to dealing with the size of the Federal deficit and the debt.

We, today, Mr. Chairman, in this Congress and every one of us as guardians of the Treasury, as stewards of the trust given us by our constituents, have a responsibility first and foremost to think about the next generation; to think about the amount of money that we are spending and the fact that the money we spend today is, as Mr. CAMPBELL said, being borrowed from the Chinese; that that debt will have to be paid; that we as a Congress have to remember on every vote on every issue and every opportunity that we get that we should find ways to save money.

It is entirely appropriate and reasonable for this Congress to trim expenses wherever we can at a time when the national debt is at record levels, when the deficit is at a record level, when we have already, as we stand here tonight as a nation, accumulated over sixty-thousand-billion dollars worth of unfunded liabilities that must be paid by future generations.

Medicare runs out of money in 96 months. We have saddled our children and grandchildren with a level of debt never before seen in our Nation's history since World War II. And for what end? We in this new fiscally liberal majority in Congress passed this massive bill, what they call a stimulus bill, that all by itself spent more money in one stroke than the entire annual budget of the United States.

The bailout bills, which I also voted against, I voted against \$2.6 trillion of spending under President Bush. I have already had to vote against about \$1.3 trillion of spending under President Obama. Those of us in the minority, the fiscal conservatives in the minority, are doing everything we know how to do to bring to the attention of the American people the urgency and immediacy of the problem, that we as Congress have got to stop spending money. No new debt, no new taxes, no new spending has got to be the watchword for this Congress.

My colleagues on the conservative side of the aisle here have done our best to lay out a series of amendments to give the Congress choices between cuts, as in Mr. PRICE's amendment, which would give the agencies the discretion to go in and find how to save that penny out of every dollar, versus Congresswoman BLACKBURN's amendment, which is an across-the-board cut of 5 percent from each program. We have had other amendments tonight, such as Mr. JORDAN's amendment to cut \$12.5 billion out of the bill.

We are facing a national debt of over \$11.6 trillion today that is accumulating at the rate of, as Mr. CAMPBELL pointed out quite correctly, over \$2 trillion a year. These TEA parties that we saw spring up all across the country spontaneously represent a deep-seated and well-founded fear among the Amer-

ican people that this Congress is completely out of control with the new leadership and the new President spending money at a rate never before seen in American history. It is true, as Mr. HENSARLING said, that never before have so few spent so much in so little time. We in the minority, the fiscal conservatives in the minority today, have laid out tonight, Mr. Chairman, a number of thoughtful alternatives.

My friend Mr. CAMPBELL, I would like to yield my remaining time to him so he can talk about some of the ideas he laid out and some other members of the Republican Study Committee.

The CHAIR. The time of the gentleman from Texas has expired.

AMENDMENT NO. 107 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I rise as the designee of Mr. LEWIS of California to offer amendment No. 107.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 107 offered by Mr. CAMPBELL:

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

SEC. _____. None of the funds provided in this Act under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" shall be available for the Summer Flounder and Black Sea Initiative project of the Partnership for Mid-Atlantic Fisheries, Point Pleasant Beach, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by \$600,000.

The CHAIR. Pursuant to House Resolution 552, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, we have talked here this evening about the debt and we have talked about the spending. And, you know, when you spend more money than you are taking in in government, you have a deficit.

Now, most people, Mr. Chairman, that may be watching this at home say, well, I can't do that, because if I spend more money than I am taking in, I will eventually go broke, if they have a business or their personal spending or whatever.

Mr. Chairman, we are spending more money than we are taking in here in the Federal Government by about nearly 2 trillion, that is with a T, dollars this year. I remember when \$1 billion seemed like it was a big deal, and now we are talking about trillions, we are spending so much.

Part of that includes a \$407.6 billion appropriation bill already passed just this year in this Congress which contained close to 9,000 earmarks. These earmarks totaled almost \$11 billion and included such things as \$200,000 for tattoo removal and \$2.2 million for grape genetics, amongst other things. This \$2 trillion deficit is the largest deficit as a percent of our economy of any year since World War II.

The President's stimulus bill included spending of \$43.6 billion for 15 programs that the Office of Management and Budget called ineffective or having results not demonstrated. We could have decreased that program by 6 percent, that whole stimulus bill, just by eliminating that \$43.6 billion of programs that this government says are ineffective or have results that are not demonstrated.

□ 2045

Mr. Chairman, we are spending way too much money. We're spending too much money on waste. We're spending too much money on duplicative and ineffective programs, and we're spending too much money on earmarks, on earmarks like the one that is before us here in amendment No. 107.

This earmark, Mr. Chairman, is for \$600,000 to fund the Summer Flounder and Black Sea Initiative project of the Partnership for Mid-Atlantic Fisheries in Point Pleasant Beach, New Jersey.

Now, Mr. Chairman, \$600,000 more spending, on top of the \$4 trillion we're already spending, on top of creating \$600,000 more deficit, and this is just one of what I'm sure will be thousands of earmarks in all of these appropriations bills for summer flounder and other fish?

Can the flounders get along without this \$600,000? I think they can, Mr. Chairman.

I reserve the balance of my time.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MEEKS of New York) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. MOLLOHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-160) on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.