

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Ms. DELAURO. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 651

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON EDUCATION AND LABOR.—
Ms. Chu.

Ms. DELAURO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 644 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3170.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 145, line 11.

The text of that portion of the bill is as follows:

H.R. 3170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles;

maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$303,388,000, of which not to exceed \$21,983,000 is for executive direction program activities; not to exceed \$46,249,000 is for economic policies and programs activities; not to exceed \$48,080,000 is for financial policies and programs activities; not to exceed \$64,611,000 is for terrorism and financial intelligence activities; not to exceed \$22,679,000 is for Treasury-wide management policies and programs activities; and not to exceed \$99,786,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2011, is for information technology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2011, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2011, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, \$3,400,000, to remain available until September 30, 2012, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That of the amount appropriated under this heading \$3,000,000, to remain available until September 30, 2012, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$9,544,000, to remain available until September 30, 2012: *Provided*, That \$4,544,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$29,700,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$149,000,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$102,760,000, of which not to exceed \$26,085,000 shall remain available until September 30, 2012; and of which \$9,316,000 shall remain available until September 30, 2011: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$50,000,000 is permanently rescinded and returned to the general fund.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$244,132,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2012, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE

BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,500,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory

assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2010 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$26,700,000.

BUREAU OF THE PUBLIC DEBT ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$192,244,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until September 30, 2012, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2010 shall be reduced by not more than \$10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$182,244,000. In addition, \$90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$243,600,000, to remain available until September 30, 2011, notwithstanding subsections (d) and (e) of section 108 of such Act (12 U.S.C. 4707); of which \$10,000,000 shall be for financial assistance, technical assistance, training, and outreach programs under sections 105 through 109 of such Act (12 U.S.C. 4704-4708), designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers; of which \$1,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110-289); of which \$80,000,000 shall be transferred to the Capital Magnet Fund, as authorized by section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.), as amended by section 1131 of the Housing and Economic Recovery Act of 2008 ("HERA"; Public Law 110-289), to support financing for affordable housing and economic development projects; of which up to \$18,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit Program; of which up to \$7,500,000 may be used for the cost of direct loans; and of which up to \$250,000 may be used for administrative expenses to carry

out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$16,000,000: *Provided further*, That section 1339(h)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1131 of HERA, shall be applied by substituting the term "at least 10 times the grant amount or such other amount that the Secretary may require" for "at least 10 times the grant amount".

INTERNAL REVENUE SERVICE TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,273,830,000, of which not less than \$5,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$9,000,000, to remain available until September 30, 2011, shall be available for Community Volunteer Income Tax Assistance matching grants for tax return preparation assistance, and of which not less than \$205,800,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,904,000,000, of which not less than \$59,206,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed \$126,500 shall be for official reception and representation expenses associated with hosting the Leeds Castle Meeting in the United States during 2010: *Provided*, That up to \$10,000,000 may be transferred as necessary from this account to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act. In addition to amounts made available above, \$600,000,000 shall be made available for enhanced tax enforcement activities.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$4,082,984,000, of which up to \$75,000,000 shall remain available until September 30, 2011, for information technology support; of which not to exceed \$1,000,000

shall remain available until September 30, 2012, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation; and of which \$290,000,000 shall be made available to support enhanced tax enforcement activities: *Provided*, That of the amounts provided under this heading, such sums as are necessary shall be available to fully support tax enforcement and enhanced tax enforcement activities.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$253,674,000, to remain available until September 30, 2012, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,512,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

ADMINISTRATIVE PROVISIONS—DEPARTMENT
OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 105. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 106. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 107. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 109. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 110. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 111. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "11 years" and inserting "12 years."

SEC. 112. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of

the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 114. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's 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. 115. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 116. The Secretary is authorized to establish additional Treasury accounts for the Alcohol & Tobacco Tax and Trade Bureau, Department of the Treasury; U.S. Customs and Border Protection, Department of Homeland Security; and the Bureau of Alcohol, Tobacco Firearms and Explosives, Department of Justice, for purposes of administering refunds under 31 U.S.C. 1324.

This title may be cited as the "Department of the Treasury Appropriations Act, 2010".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102 , \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$59,319,000, of which not less than \$1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,838,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the

exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,200,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$12,231,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$115,280,000, of

which \$16,768,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET
SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$92,687,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$27,575,000; of which \$1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS
PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$248,000,000, to remain available until September 30, 2011,

for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$250,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2009, shall be funded at not less than the fiscal year 2009 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2010 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$132,400,000, to remain available until expended, which shall be available as follows: \$20,000,000 for outreach and media activities related to drug abuse prevention; \$98,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,000,000 for the National Drug Court Institute; \$10,000,000 for the United States Anti-Doping Agency for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; \$1,250,000 for the National Alliance for Model State Drug Laws; and \$250,000 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities: *Provided*, That any grantee under the Drug-Free Communities Program seeking a renewal grant (year 2 through 5, or year 7 through 10) that is not awarded renewal funding shall be afforded a fair, timely, and independent appeal of the non-renewal decision prior to the beginning of the funding year.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2011.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY
INNOVATION
(INCLUDING TRANSFER OF FUNDS)

To execute the Partnership Fund for Program Integrity Innovation, \$40,000,000, to remain available until September 30, 2012, which may be used for grants, contracts, cooperative agreements, and administrative costs for carrying out Partnership Fund for

Program Integrity Innovation pilot projects: *Provided*, That funds made available under this heading may be transferred by the Director of the Office of Management and Budget to appropriate agencies to carry out pilot projects and to conduct or provide for evaluation of such projects: *Provided further*, That no funds may be obligated for any pilot project unless the Director of the Office of Management and Budget has determined that the project (1) addresses programs that have a substantial state role in eligibility determination or administration or where Federal-state cooperation could otherwise be beneficial, (2) in aggregate, is expected to save at least as much money as it costs, (3) demonstrates the potential to streamline administration and/or strengthen program integrity, and (4) does not achieve savings primarily by reducing the participation of eligible beneficiaries: *Provided further*, That the Director shall notify the Committees on Appropriations of the House of Representatives and the Senate of each determination required by the preceding proviso at least 15 days in advance of obligating funds for the pilot project involved, and shall include in the notification a statement of the purposes and objectives of the pilot project and a plan for evaluating its results: *Provided further*, That the Director shall submit a progress report on activities funded under this heading to the Committee on Appropriations not later than September 30, 2010, and annually thereafter for the next four years.

SPECIAL ASSISTANCE TO THE PRESIDENT
SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,604,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT
OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For the care, operation, furnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$330,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the

amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the headings “Office of National Drug Control Policy” and “Federal Drug Control Programs”, a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the “Executive Office of the President Appropriations Act, 2010”.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,034,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111, \$14,525,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$33,577,000.

UNITED STATES COURT OF INTERNATIONAL TRADE SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$21,350,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$5,080,709,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$5,428,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$982,699,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$62,275,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, in-

stallation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$457,353,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$83,075,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,328,000; of which \$1,800,000 shall remain available through September 30, 2011, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$71,874,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,500,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(1), \$4,000,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,837,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services—Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline referred to in the second proviso of section 608.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "18 years" and inserting "19 years"; and

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking "18 years" and inserting "19 years".

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

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior

fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$268,920,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,022,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$108,524,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$65,114,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$83,260,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$83,260,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$83,260,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,408,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$153,856,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the

provision of services for or related to such persons; of which \$58,552,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than \$2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,316,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For a Federal payment for water and sewer services, \$20,400,000, which shall be used as follows: \$20,000,000 for a payment to the District of Columbia Water and Sewer Authority (WASA), to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan and subject to a 100 percent match from WASA; \$400,000 for the District of Columbia Department of the Environment, to conduct a study of lead levels in the District's drinking water.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000, to remain available until September 30, 2011.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$1,700,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO

shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$74,400,000, to be allocated as follows: for the District of Columbia Public Schools, \$42,200,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of Education, \$12,200,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126), of which up to \$1,000,000 may be used to administer and fund assessments: *Provided*, That notwithstanding the second proviso under this heading in Public Law 111-8, funds provided herein may be used to provide opportunity scholarships to students who received scholarships in the 2009-2010 school year: *Provided further*, That funds available under this heading for opportunity scholarships, including from prior-year appropriations acts, may be made available for scholarships to students who received scholarships in the 2009-2010 school year: *Provided further*, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, \$15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia, \$2,375,000, of which \$2,000,000 is to remain available until September 30, 2011, to support costs associated with the District of Columbia National Guard; and of which \$375,000 is to remain available until expended for the District of Columbia National Guard retention and college access programs, which shall hereafter be known as the "Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program".

FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, \$19,200,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

FEDERAL PAYMENT FOR YOUTH SERVICES

For a Federal payment to the District of Columbia, \$5,000,000, to remain available until September 30, 2011, to support the "Reconnecting Disconnected Youth" initiative.

FEDERAL PAYMENT FOR PUBLIC HEALTH SERVICES

For a Federal payment to the District of Columbia, \$4,000,000, to remain available until September 30, 2011, for HIV/AIDS prevention programs in the District.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2010 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$8,858,278,000 (of which \$5,721,742,000 shall be from local funds, including \$313,789,000 from dedicated taxes) \$2,575,447,000 shall be from Federal grant funds, \$556,429,000 shall be from other funds, and \$4,660,000 shall be from private funds; in addition, \$125,274,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; 26 U.S.C. Section 1, note): *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be \$712,697,000: in addition for capital construction projects, an increase of \$2,963,810,000, of which \$2,373,879,000 shall be from local funds, \$54,893,000 from the District of Columbia Highway Trust fund, \$212,854,000 from the Local Street Maintenance fund, \$322,184,000 from Federal grant funds, and a rescission of \$1,833,594,000 from local funds and a rescission of \$91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,038,889,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated and expended as proposed under "Title III—District of Columbia Funds Division of Expenses" of the Fiscal Year 2010 Proposed Budget and Financial Plan transmitted to the Mayor by the District of Columbia Council on June 5, 2009: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code §1-201.01 et seq.): *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2010, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2010".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$1,500,000, of which, not to exceed \$1,000 is for official reception and representation expenses.

CONSUMER PRODUCT SAFETY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission (CPSC), including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$2,000 for official reception and representation expenses, \$113,325,000, of which \$2,000,000 shall remain available for obligation until September 30, 2011 to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110-140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, \$17,959,000, of which \$3,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That \$750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107-252): *Provided further*, That \$300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, \$106,000,000, to remain available until expended, of which \$100,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107-252), \$4,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and \$2,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$335,794,000: *Provided*, That \$334,794,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at \$1,000,000: *Provided further*, That any offsetting collections received in excess of \$334,794,000 in fiscal year 2010 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2009, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation

shall not exceed \$85,000,000 for fiscal year 2010.

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$37,942,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$65,100,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$24,773,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$291,700,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$102,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$19,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$170,700,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, \$459,900,000. Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,465,585,000, of which: (1) \$722,537,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
Alabama:
Mobile, United States Courthouse, \$96,000,000.
California:
Calexico, Calexico West, Land Port of Entry, \$9,437,000.
Colorado:
Lakewood, Denver Federal Center Remediation, \$9,962,000.
District of Columbia:
Columbia Plaza, \$100,000,000.
Southeast Federal Center Remediation, \$15,000,000.
Florida:
Miami, Federal Bureau of Investigation Field Office Consolidation, \$190,675,000.
Georgia:
Savannah, United States Courthouse, \$7,900,000.
Maine:
Madawaska, Land Port of Entry, \$50,127,000.
Maryland:
White Oak, Food and Drug Administration Consolidation, \$137,871,000.
Greenbelt, United States Courthouse, \$10,000,000.
Texas:
El Paso, Tornillo-Guadalupe, Land Port of Entry, \$91,565,000.
San Antonio, United States Courthouse, \$4,000,000.

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except for funds for projects

as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$400,276,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:
District of Columbia:
East Wing Infrastructure Systems Replacement, \$35,000,000.
Eisenhower Executive Office Building (roof replacement), \$15,000,000.
New Executive Office Building, \$30,276,000.
Special Emphasis Programs:
Fire and Life Safety Program, \$20,000,000.
Energy and Water Retrofit and Conservation Measures, \$20,000,000.
Federal High-Performance Green Buildings—Energy Independence and Security Act of 2007, \$20,000,000.

Basic Repairs and Alterations, \$260,000,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$140,525,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$4,861,871,000 for rental of space which shall remain available until expended; and (5) \$2,340,376,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C.

592(b)(2), and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2010, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$63,165,000, of which \$3,000,000, to be available until expended, is provided for the Office of Federal High-Performance Green Buildings.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$72,881,000, of which \$1,000,000 shall be for a payment to the Oklahoma City National Memorial Foundation as authorized by 16 U.S.C. 450ss-5.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$60,080,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$33,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,756,000.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, \$36,515,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed \$61,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2010 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 502. Funds in the Federal Buildings Fund made available for fiscal year 2010 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 503. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2011 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 504. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 505. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 506. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the

House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 507. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

MERIT SYSTEMS PROTECTION BOARD
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,339,000 together with not to exceed \$2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$2,200,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION
OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$339,770,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. Appendix), and for the hire of passenger motor vehicles, \$4,100,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$85,500,000, of which \$61,757,000 shall remain available until September 30, 2012: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$27,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND
RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$13,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2010, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2010 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN
FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,000,000 shall be available until September 30, 2011 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$14,415,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$97,970,000, of which \$5,908,000 shall remain available until expended for the Enterprise Human Resources Integration project; \$1,364,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$13,238,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$9,364,000 shall remain available until expended for the cost of implementing the new integrated financial system, and of which \$4,248,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2010, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,148,000, and in addition, not to exceed \$20,428,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,495,000.

POSTAL REGULATORY COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), up to \$14,333,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act: *Provided*, That unobligated balances remaining in this account on October 1, 2009 shall be transferred back to the Postal Service Fund: *Provided further*, That unobligated balances remaining in this account on October 1, 2010 shall be transferred back to the Postal Service Fund.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT
BOARD
SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$2,000,000, to remain available until September 30, 2011.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,036,000,000, to remain available until expended; of which not less than \$4,400,000 shall be for the Office of Inspector General; of which not to exceed \$20,000 may be used toward funding a perma-

nent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,025,780,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That \$10,220,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2010 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$24,150,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$428,387,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Pro-*

vided further, That \$110,000,000 shall be available to fund grants for performance in fiscal year 2010 or fiscal year 2011 as authorized, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: *Provided further*, That \$11,690,500 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2011: *Provided further*, That \$10,000,000, to remain available until September 30, 2011, shall be for expenses for the relocation of the headquarters of the Small Business Administration.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,300,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, \$1,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$3,000,000, to remain available until expended, and for the cost of guaranteed loans, \$80,000,000, as authorized by section 7(a) of the Small Business Act, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2010 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000: *Provided further*, That during fiscal year 2010 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2010, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,000,000, which may be paid to the appropriations account for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$1,690,000, to remain available until expended, of which \$352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and \$1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110-246.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$102,310,000, to be available until expended, of which \$91,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to the appropriations for Salaries and Expenses; of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be paid to the appropriations for Salaries and Expenses; of which \$1,000,000 is for

the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be paid to the appropriations for the Office of Inspector General; and of which \$1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be paid to the appropriations account for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 511. For an additional amount under the heading "Small Business Administration—Salaries and Expenses", \$62,300,000, to remain available until September 30, 2011, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the purposes specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the reports of the Committees on Appropriations of the House of Representatives and the Senate accompanying this Act.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$118,328,000, of which \$89,328,000 shall not be available for obligation until October 1, 2010: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2010.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, up to \$244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435): *Provided*, That unobligated balances remaining in this account on October 1, 2009 shall be transferred back to the Postal Service Fund: *Provided further*, That unobligated balances remaining in this account on October 1, 2010 shall be transferred back to the Postal Service Fund

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by

5 U.S.C. 3109, \$49,242,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. 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. 604. 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. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of en-

actment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by

the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2009, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2010 shall remain available until expended.

SEC. 618. During fiscal year 2010, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term "payment of cash in advance" shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 619. None of the funds made available in this Act may be used to implement or enforce section 101(a) of the Consumer Product Safety Improvement Act of 2008 in regards to off-highway vehicles. For purposes of this section the term "off-highway vehicles" mean motorized vehicle designed to travel on 2, 3, or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control, and such term includes snowmobiles.

SEC. 620. (a) Section 101(a)(1) of the Federal and District of Columbia Government Real Property Act of 2006 (Public Law 109-396; 120 Stat. 2711) is amended to read as follows:

"(1) IN GENERAL.—

"(A) U.S. RESERVATION 13.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b).

"(B) OLD NAVAL HOSPITAL.—Not later than 60 days after the date of the enactment of the Financial Services and General Government Appropriations Act, 2010, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in Old Naval Hospital."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Federal and District of Columbia Government Real Property Act of 2006.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2010 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102-404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction,

shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2010, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2010, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2010, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2010 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2010 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2009, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2009, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2009.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary

to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such com-

munication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasireligious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with

the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts:

Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate inter-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the inter-agency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-Federal government Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission to the Federal government of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2010, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guide-

lines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to im-

plement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Notwithstanding section 748 of division D of the Omnibus Appropriations Act, 2009, the President may modify or replace Executive Order 13423 if the President determines that a revised or new Executive Order will achieve equal or better environmental or energy efficiency results in terms of emission of greenhouse gases, use of renewable energy, reduction in water use, sustainable environmental practices, toxic and hazardous chemicals, construction and renovation practices, vehicle consumption of petroleum products, and use of electronic equipment and its disposition and notifies the appropriate committees of Congress at least 15 days in advance of the change.

SEC. 742. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2009. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers.

SEC. 743. (a)(1) Not later than the end of the third quarter of fiscal year 2010 and each subsequent fiscal year, and for each department or agency not later than its inventory required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270), the head of each Federal department or agency (other than the Department of Defense) shall submit to Congress an annual inventory of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such department or agency, as the case may be. The entry for an activity on an inventory under this section shall include, for the fiscal year covered by such entry, the following:

(A) The functions performed by the contractor.

(B) The contracting organization, the component of the department or agency administering the contract, and the organization whose requirements are being met through contractor performance of the function.

(C) The dollar size and funding source for the contract under which the function is performed by appropriation and operating agency.

(D) The fiscal year for which the activity first appeared on an inventory under this section.

(E) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(F) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(G) Whether the contract has been performed pursuant to a contract awarded on a noncompetitive basis, either originally or upon a subsequent renewal.

(H) Whether the contract has been performed poorly, as determined by a contracting officer, during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality.

(2) The inventory required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(b) Not later than 30 days after the date on which an inventory with respect to a department or agency is required to be submitted to Congress under subsection (a), the head of such department or agency shall—

(1) make the inventory available to the public; and

(2) publish in the Federal Register a notice that the inventory is available to the public.

(c) Not later than 90 days after the date on which an inventory is submitted under subsection (a), the head of the department or agency, or component thereof, responsible for activities in the inventory shall—

(1) review the contracts and activities in the inventory for which such head is responsible;

(2) ensure that—

(A) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(B) the activities on the list do not include any inherently governmental functions; and

(C) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions;

(3) identify activities that should be considered for conversion—

(A) to performance by employees of the department or agency; or

(B) to an acquisition approach that would be more advantageous to the department or agency; and

(4) develop a plan to provide for appropriate consideration of the conversion of activities identified under paragraph (3) within a reasonable period of time.

(d) Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of law other than this section.

(e)(1) The term “function closely associated with inherently governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(2) The term “inherently governmental functions” has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

(3) The term “personal services contract” means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 744. Congress requests the President, and directs the Attorney General, to transmit to each House of Congress, not later than 14 days after the date of the adoption of this Act, copies of any portions of all documents, records, and communications in their possession referring or relating to the notification of rights under *Miranda v. Arizona*, 384 U.S. 436 (1966), by the Department of Justice, including all component agencies, to captured foreign persons who are suspected of terrorism and detainees in the custody of the Armed Forces of the United States.

SEC. 745. (a) None of the funds made available in this or any other Act may be used to obtain a financial or ownership interest (or right to acquire such an interest) in an automobile manufacturer that deprives an automobile dealer of its economic rights under a dealer agreement and does not assume (or assign to a successor in interest) each dealer agreement which is valid and in existence (and has not been lawfully terminated under applicable State law) before the date of the commencement of a case under title 11 of the United States Code by such automobile manufacturer.

(b) Any automobile manufacturer with respect to which the Federal Government has a financial or ownership interest (or right to acquire such an interest) shall, to the extent that a valid dealer agreement existing immediately before the date of the commencement of a case under title 11 of the United States Code by such automobile manufacturer is not assumed by or assigned to another automobile manufacturer, require any new entity created in such case to enter into a new dealer agreement with the dealer whose agreement was not so assumed or assigned, and on the same terms as existed immediately before such date.

SEC. 746. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, 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 expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate

and the President are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term “official duties” does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 811. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 812. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 813. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 814. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 815. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 816. None of the funds contained in this Act may be used to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

SEC. 817. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 111-208. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

AMENDMENT NO. 1 OFFERED BY MR. SERRANO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-208.

Mr. SERRANO. Mr. Chairman, I rise to offer amendment No. 1 printed in the report of the Committee on Rules.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SERRANO: Page 57, line 24, insert "(increased by \$4,875,000)" after the dollar amount.

Page 64, line 5, insert "(reduced by \$5,125,000)" after the first dollar amount.

Page 68, line 11, insert "(reduced by \$2,875,000)" after the dollar amount.

Page 68, line 13, insert "(reduced by \$2,250,000)" after the dollar amount.

Page 79, line 21, insert "(increased by \$250,000)" after the dollar amount.

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for first-class travel by the employees of Federal departments and agencies in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 644, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Mr. Chairman, this amendment does several things. First, it increases FY 2010 funding for the Consumer Product Safety Commission by \$4.9 million to its authorized level of \$118,200,000. I thank my colleagues DEBBIE WASSERMAN SCHULTZ and ROSA DELAURO for cosponsoring my amendment to increase funding for the CPSC. Recently enacted consumer protection legislation has increased the workload of the CPSC considerably. The Consumer Product Safety Improvement Act was signed into law last August. This law sets strict limits on the amount of lead and chemicals that can be used in making children's products. The CPSC has faced many challenges in implementing the new law, and this additional funding will enable them to fully address workload needs.

This amendment incorporates an amendment first offered by my colleague Mr. HASTINGS to provide an additional \$250,000 for the National Credit Union Administration's Community Development Revolving Loan Fund. This is a worthy program that provides loans and grants to credit unions that serve low-income communities with the goal of improving the quality of financial services provided to those communities.

This amendment also incorporates an amendment first offered by my colleague Mr. CUELLAR to prohibit the use of funds for first-class travel for employees of agencies funded by the bill. I think it makes sense to prohibit first-class travel for Federal employees.

I will close by saying that this is a good amendment, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim time in opposition to the manager's amendment.

The CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, while I don't oppose the content of this amendment, I do oppose the process in which it was offered.

Mr. Chairman, this is a controversial bill to many Americans. Increasing spending by \$1.6 billion, or 7 percent, should be allowed to be debated under this bill. In addition, the changes in long-standing policy on abortion and on medical marijuana should also have an opportunity to be debated. I think that the responsible regular functioning of this institution is so important, especially on spending measures that demand the full attention of Congress, because they've got the full attention of the American people.

As my colleagues know, a manager's amendment traditionally is meant not to be controversial. It's meant to be offered and supported by both sides of the aisle to improve the bill in ways on which we can all agree. The manager's amendment is meant to have a quick debate, typically followed by debate on more difficult issues. Taking three proposed amendments by our Democratic colleagues and rolling them into a manager's amendment while prohibiting debate on the majority of amendments submitted by the Republicans is not in the tradition of this House or the tradition of what a manager's amendment should be.

I urge a "no" vote.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-208.

Mr. PAULSEN. 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. 2 offered by Mr. PAULSEN: Page 6, line 25, after the dollar amount insert "(increased by \$15,000,000)".

Page 63, line 6, after the dollar amount insert "(reduced by \$15,000,000)".

Page 64, line 5, after the first dollar amount insert "(reduced by \$15,000,000)".

Page 68, line 11, after the dollar amount insert "(reduced by \$15,000,000)".

The CHAIR. Pursuant to House Resolution 644, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. I yield myself as much time as I may consume.

Mr. Chair, I rise today to offer an amendment that would provide an additional \$15 million for the Financial

Crimes Enforcement Network, which is also known as FinCEN. The Department of the Treasury established FinCEN in 1990 to provide a government-wide multi-source financial intelligence and analysis network. The agency's functions have expanded over the years and now include some regulatory responsibilities as well as providing important information on new incidents and patterns of fraud to the SEC, Department of Justice, the FBI and other intelligence organizations.

Now part of the Department of Treasury's Office of Terrorism and Financial Intelligence, FinCEN is also the lead office in fighting the financial war on terror, combating financial crime and enforcing economic sanctions against rogue nations. The recent economic crisis has demonstrated how important FinCEN's efforts are to our national financial security because it was FinCEN that was providing some of the earliest information regarding the financial crisis. FinCEN was one of the first to highlight the ever-growing problem of mortgage fraud, and it continues to track this problem today. Earlier this month, for instance, FinCEN helped the FBI release a new report, estimating a 36 percent increase in mortgage fraud between fiscal years '07 and '08. We must make greater efforts at reversing this trend.

The information provided to government organizations by FinCEN is essential to catch criminals and defeat terrorists. The ability to follow the money trail really and truly provides our intelligence and law enforcement community with information that leads to a broader understanding of terrorist organizations and drug dealers.

My amendment will provide FinCEN with additional resources and is an investment in the financial and economic security of the country. FinCEN is currently going through a process of modernizing and upgrading their technologies so they are better equipped to monitor, detect and battle crimes in the 21st century. We need these efforts to support continued success. Investing in FinCEN's IT modernization will provide a greater capability of identifying those who have misrepresented the health and size of their investments to their clients. It will provide the necessary tools for analyzing financial information and detecting criminal wrongdoing. And finally, this measure will provide needed support in coordination with Federal, State and local law enforcement. Especially in this time of economic crisis, our government agencies need the best information possible to confront these important issues of financial and economic security, and FinCEN can be that helper.

I reserve the balance of my time.

Mr. SERRANO. I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. I appreciate the gentleman's attention to the Financial Crimes Enforcement Network. I would like to point out that the Appropriations Committee has been very supportive of FinCEN. The reported bill provides the administration's requested funding increase of \$11.3 million, or 12.3 percent, including \$10 million to begin upgrades of the Bank Secrecy Act database used by law enforcement and intelligence agencies. We recognize the intent of the gentleman. We think it's a good amendment, and we accept it.

Mr. LATOURETTE. Will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman for yielding.

I just wanted to indicate that, as I am also in support of the gentleman's amendment, financial crimes are really something that needs to be looked at. The gentleman's amendment takes care of it. And I just want to commend the gentleman from Minnesota, who is a new Member of the House, for bringing this important issue to our attention.

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

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

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-208.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PRICE of Georgia:

Page 24, strike lines 1 through 5.

The CHAIR. Pursuant to House Resolution 644, 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 very simple amendment. It strikes \$4.2 million from the bill, decreases the funding in the bill to strike the funding for the President's Council of Economic Advisers.

On January 20, 2009, when Barack Obama was inaugurated as President of the United States, the national unemployment rate stood at 7.6 percent, and the outstanding public debt of the Nation stood at \$10.627 trillion. Confronted with this dire situation, the President urged Congress to pass an economic stimulus package. His solution—an end product containing \$787 billion in new deficits for special inter-estimated giveaways.

□ 1445

Despite many of us who claimed, and I would suggest knew, that it wouldn't work, the American people expected immediate results because the President and his administration sold it as such.

Peter Orszag, the Director of the Office of Management and Budget, in responding to a question from CNN on when would Americans feel some benefit from the job losses, stated that it will take weeks to months. Now the President and his administration are backtracking on the stimulus package. In his most recent weekly address, the President said, "The Recovery Act was not designed to work in 4 months. It was designed to work over 2 years."

Well, Mr. Chairman, that is news to the American people who have taken notice and they have lost faith in the President's economic policies. Most folks think he simply doesn't have a plan that works.

And one of the biggest cheerleaders of the President's economic policies, the executive offices most responsible for the ineffective and destructive policies that we are seeing today, is the Council of Economic Advisers and its chairman, Christine Romer. She touted in a report which served as the basis for selling the nonstimulus plan to the American people that under such a plan the unemployment rate would max out at 8 percent if the plan were adopted. In fact, she said, without it, the unemployment rate would top out at 9 percent.

Well, Mr. Chairman, as you know, as well I do, to put it mildly, the administration and Ms. Romer were just plain wrong. The unemployment rate today stands at 9.5 percent, and more than 14 million individuals are unemployed under their watch.

Now the Council of Economic Advisers is championing a sweeping new health care reform and selling it as part of the economic recovery. A recent report by the Council of Economic Advisers entitled, "The Economic Case for Health Care Reform," actually claims that slowing the annual growth rate of health care costs by 1.5 percentage points would increase real domestic product. Yet using the Chair's own modeling, House Republicans have determined that 4.7 million jobs would be lost as a result of the taxes on businesses which cannot afford to provide health insurance coverage.

So it has become abundantly clear, Mr. Chairman, that everything with this administration is about more government, more taxes, more spending and less jobs. If the stimulus and the health care package aren't proof enough, take a look at the auto bailout, the national energy tax, the upcoming plan to destroy the private student lending system, and on and on and on.

So the question must be asked, What responsible economist would actually advocate for this administration's job-

killing policies in the midst of a recession? And the answer, Mr. Chairman, is the Council of Economic Advisers.

My amendment is more than a vote to eliminate funding. It is a vote of "no confidence" on this administration's economic policies and those of the Council of Economic Advisers. They don't have a plan to get America back to work.

I would urge that we adopt this amendment, which is a commonsense amendment that moves us in the direction of not only saving money but coming up with a responsible, commonsense plan.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise to oppose the amendment.

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

Mr. SERRANO. First of all, I think it is important to realize that a lot of Members, especially—well, all Members from the other side will get up and make it sound as if the last few months have been the months that caused the economic crisis that we are in. The fact of life is that this President is trying to clean up the mess that was created during the last 8 years, because the prior President left this economy in pretty much good shape. It fell apart during these last 8 years. And we are trying to recover.

On this particular matter, the Council of Economic Advisers, or the CEA, was created in 1946 when the country faced a major economic crisis, just as we are doing today. At the end of the Second World War, many feared that the economy would sink back into depression with the phase-out of war spending. The Congress wanted to ensure that sound economic advice would be provided at the highest levels of the administration.

In the wake of a stock market bubble followed by a housing bubble that we have recently had, people have reason to worry about where the growth and jobs of the future will come from. We need the CEA to help the administration make better policy for the future.

Today, CEA has been involved in developing and evaluating the Recovery Act, health care options, energy and greenhouse gas policies, tax changes, job and training programs and other major economic challenges of our time.

As the administration develops policies in all these critical areas, the CEA brings solid, scientific evidence on the economic effects of alternative policies into the discussion. This is probably one of those times where we really need this kind of a Federal agency. And this is not the time to do away with it.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman has 1¼ minutes remaining.

The gentleman from New York has 2 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the comments of my friend, but if we could hear the Amer-

ican people and their response to, once again, this blaming previous administrations, they would say, look, give me a break. Give me a break.

The American people are hurting. Millions of Americans are out of work. Yet the Obama administration and congressional Democrats promised that their \$1 trillion stimulus bill would create jobs immediately and that the unemployment rate wouldn't rise above 8 percent.

Instead, 1.96 million jobs have been lost since this administration started, and we are \$2 trillion more in debt since this administration started. In June alone, almost half a million jobs were lost, driving the unemployment rate to 9.5 percent, the highest level in 26 years.

So it is clear that the Democrats' \$1 trillion stimulus plan just isn't working. And every American has the right to ask, where are the jobs? Where are the jobs, Mr. Chairman? This is about jobs. This majority clearly doesn't have the appropriate program. This administration clearly doesn't have the appropriate program. Democrats are clearly on the side of more government and more taxes. Republicans, however, Mr. Chairman, are on the side of the American people.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. SERRANO. It is very easy for folks on the other side to say, let's not talk about the past administration. I agree. That is not my intention. In fact, our President has said on many occasions the past is the past. But if we keep coming up and making it sound like something happened January 20 until today that brought us to our knees economically, then it is my role, and everybody else's role on this side, just to clarify and to discuss a little history. And the history is the fact that this economy is in bad shape not for anything that has happened this year, but what happened in the past.

On this amendment, this is the wrong time to get rid of this. This is the wrong time to move against it. We need it more than ever. I hope that people will defeat this amendment.

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. 4 OFFERED BY MRS. EMERSON

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-208.

Mrs. EMERSON. 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. 4 offered by Mrs. EMERSON:

Page 58, line 19, insert "(reduced by \$50,000,000)" after the dollar amount.

Page 58, line 20, insert "(reduced by \$50,000,000)" after the dollar amount.

The CHAIR. Pursuant to House Resolution 644, the gentlewoman from Missouri (Mrs. EMERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, my amendment would strike \$50 million from the \$100 million under the Election Assistance Commission for Help America Vote grants for States.

The President's budget requested a total of \$52 million for election reform programs, \$50 million for grants to States, and \$2 million for research and other initiatives. My amendment would simply return the State grant funding level in this account to the same amount that the President's budget requested.

Sixty-two percent of the States have not even applied for their fiscal year 2008—2008—Help America Vote funds. Of the \$115 million provided for State grants in fiscal year 2008, only about 20 percent of the funds have been obligated to the States; \$25 million has been given to 18 States. Of the \$100 million provided for State grants in fiscal year 2009, not even 4 percent has left the Treasury. Only two States have received fiscal year 2009 funds. So we have almost \$186 million still sitting in the Treasury for these grants.

Now, I think you all know me and you know me well enough to know that if there is a need, I'm fully supportive of matching the funding level to that need. However, I see little need to provide another \$100 million in unused funds to then get to a total of \$286 million in untapped funds.

I respect my chairman, and I respect the need for election reform and certainty in the election process. There is no question that we are obligated to provide for free and fair elections. It is a hallmark of our democracy, and we must always work to safeguard our elections. However, this is one account that has a demonstrated lack of funding needs for the coming fiscal year. Even the President recognized the opportunity to save the taxpayer \$50 million.

I urge all to do the same and vote "yes" on my amendment.

I reserve the balance of my time.

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

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

Mr. SERRANO. I would like to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman. Nothing is more important in a democracy than the integrity of the democratic process. Everything we do in this body is based on the assumption that the voters put us here as the result of a fair, accessible, and accurate

process. If there is anything we should not shortchange, it is our ability to conduct the most exemplary elections in the world. And we have not reached that standard yet.

In fact, the major national election official organizations and more than 25 civil rights, disability rights and other public interest groups have asserted that local jurisdictions still need all the funding originally authorized by HAVA simply to carry out HAVA's original requirements.

I have heard the gentlelady speak. But this letter addressed to every Member of Congress from such organizations as the National Association of Counties, the National Association of Secretaries of State, the American Association of People with Disabilities, NAACP Legal Defense and Educational Fund, Paralyzed Veterans of America, and others says that it is "imperative," in their words, that State and local governments receive all the funding that is coming to them, that should be coming to them from HAVA. It should not be cut.

They need this funding for poll-worker training, for voter education and for putting in place voter systems that are accessible and reliable, and as we discussed earlier, auditable.

They say in this letter that full funding is necessary to fulfill the promise of HAVA, and I include this letter for the RECORD.

I urge my colleagues to support the modest HAVA funding in this bill and to defeat this amendment.

MARCH 17, 2009.

MAKE ELECTION REFORM A REALITY—SUPPORT FULL FUNDING FOR HAVA

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, are deeply appreciative of the funding appropriated for the Help America Vote Act (HAVA) in FY08 and FY09 and urge you to support full funding and appropriate the remaining \$470 million of authorized funding in FY10. Of this amount, \$442 million is for the federally-mandated processes and equipment that state and local governments were required to have in place for federal elections beginning in 2006 and \$28 million is for assisting state and local governments in making all polling places accessible and the protection and advocacy payments. It is imperative that state and local governments receive all of the funding they were promised to fully implement statewide voter registration databases, to keep up with the spiraling costs of purchasing and maintaining voting equipment and to ensure proper poll worker training and voter education in this environment of continually changing voting processes and procedures.

The lack of full federal funding for HAVA has led man state and local governments to scale back on their initial plans for implementation. Most devastatingly, initial Congressional delay in providing proper funding for the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST) ultimately prevented the timely development of the voting system guidelines and the implementation of a federal voting system certification program. This led to cost increases for state and local governments that in some cases were unable to utilize existing equipment and others that had to replace voting equipment more than once in an effort to comply with

evolving guidance to ensure both accessibility and security. While the efforts of the EAC and NIST have since been funded, delay in their funding has contributed significantly to cost increases for state and local governments.

Full funding is necessary to fulfill the promise of HAVA and provide resources to state and local governments to meet the new and changing expectations for voting equipment and procedures. Should you have any questions, please contact the organizations listed below.

Sincerely,

ORGANIZATIONS REPRESENTING STATE AND LOCAL ELECTION OFFICIALS

International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT).

National Association of Counties (NACo).
National Association of Election Officials (The Election Center).

National Association of State Election Directors (NASSED).

National Association of Secretaries of State (NASS).

National Conference of State Legislators (NCSL).

CIVIL AND DISABILITY RIGHTS AND VOTER ADVOCACY ORGANIZATIONS

Leadership Conference on Civil Rights.
American Association of People with Disabilities (AAPD).

American Civil Liberties Union (ACLU).
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

American Federation of State, County and Municipal Employees.

Asian American Justice Center.
Association of Community Organizations for Reform Now (ACORN).

Brennan Center for Justice at NYU School of Law.

Common Cause.
Demos.

Fair Elections Legal Network.
FairVote.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW.

Lawyers' Committee for Civil Rights Under Law.

League of Women Voters of the United States.

NAACP Legal Defense and Educational Fund, Inc.

National Association for the Advancement of Colored People (NAACP).

National Association of Latino Elected and Appointed Officials Educational Fund (NALEO).

National Council of La Raza.

National Gay and Lesbian Task Force Action Fund.

Paralyzed Veterans of America.
People For the American Way.

Project Vote.
SAVE.

Union for Reform Judaism.
U.S. Public Interest Research Group.

Mrs. EMERSON. I continue to reserve my time.

Mr. SERRANO. How much time do we have on this side?

The CHAIR. The gentleman from New York has 3 minutes remaining.

Mr. SERRANO. I would like to yield myself whatever time I may consume.

You know, when we buy a car, the first thing they tell us is to make sure we service that car regularly, change the parts that are necessary, oil it and keep it in good shape.

We have a democracy, and as the gentleman from New Jersey says, and as

everyone knows, at the core of that democracy is the ability to vote and to have our votes counted properly. Yet what we are trying to do here today is to cut away, if you will, from that maintenance program, which is more than a maintenance program. What happened here in 2000 and in other places after 2000 was that the American people, regardless of the outcome of the election, were left with the understanding that something was wrong and that the greatest democracy on Earth was having a difficult time counting people's votes properly. And so HAVA was created.

HAVA is still in operation. HAVA is having moneys go out to communities. This is not the time to cut HAVA funds. On the contrary, this is the time to reinforce the core of our democracy by allocating the necessary funds. Give the States the opportunity to deal with the issue. Let the States deal with the issues back home that they have to as they meet the Federal requirements.

So I would oppose this amendment, and I would remind us that we don't pay that much attention to elections and how we run them because we have had this for so long in this society and this country that we take it for granted. But 2000 should tell us that we should never take it for granted again and that we should pay strict attention to it.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I said earlier that I have great respect for my chairman, and I certainly have great respect for the gentleman from New Jersey who has worked tirelessly on HAVA and worked to ensure that we have fair elections across this country.

□ 1500

And I do not believe that we should, to take a quote, shortchange any piece of the electoral process. But I bring to my colleagues' attention, once again, the fact that we have \$186 million that is sitting in the Treasury the States have not tapped into. Sixty-two percent of the funds from 2008 haven't been used. We've only used 4 percent for 2009. And I think that nobody better than our President understands the need for us to find savings. And when we're sitting on \$186 million, and with the additional \$52 million that we will have in this account, we're still well over \$200 million. And I dare say that at the rate that the States are using this money, we will never spend it.

And certainly, in difficult economic times, I truly believe that deferring to the President's budget request makes good economic sense.

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

Mr. SERRANO. I would urge a "no" vote on this amendment. And I yield the balance of my time to Mr. HOLT from New Jersey.

Mr. HOLT. Again, I hear the comments of the ranking member. It's important to point out, in this letter,

signed by the major election official organizations in the country, the Secretaries of State, associations of counties, election officials and so forth, they say that the rate at which the funding has been available to them in the past has led, in their words, "many state and local governments to scale back on their initial plans for implementation" of HAVA. We must, again, in their words, meet the promise of HAVA. This is not an imagined expense. This is a real expense to preserve democracy, and we have it on good authority, from the people who are doing the work, that this money is needed.

Mr. SERRANO. I urge a "no" vote, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mrs. EMERSON).

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

Mrs. EMERSON. 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 Missouri will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS.
BLACKBURN

The Acting CHAIR (Mr. HOLDEN). It is now in order to consider amendment No. 5 printed in House Report 111-208.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. BLACKBURN:

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

TITLE IX—FIVE PERCENT REDUCTION

SEC. 901. 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 Acting CHAIR. Pursuant to House Resolution 644, 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, again, today I rise in defense of the American taxpayer.

Mr. Chairman, we were greeted this week with the unfortunate news that we have already spent \$1 trillion more than we have taken in in this fiscal year. The projections for next year are no better. Many think they're even worse. And yet, here we find ourselves on the floor again, one more day, one more "approps" bill, one more debate about spend, spend, spend.

Everybody in this Chamber knows that I am the grandmother of two precious little boys. Their future is so special and precious to me. And because of

that, every day when I come to work, I think about the ramifications of the votes that I take and what it is going to do to them. And every day, I come down here, and what I try to do is slow the growth of government spending. It is completely out of control. It is about to bankrupt this Nation, and it is costing us jobs, jobs, jobs. And I do that because my grandsons already, at the age of 14 months and 1 month, they already owe \$70,000 to Uncle Sam. The debt that we run up here will be paid in their denied opportunities of tomorrow. I just can't run up that debt with a clear conscience, and I really don't think that, if my colleagues stopped to think about it, that they would want to be running up that type of debt either.

That is especially true when we consider the funding for the programs that are before us today, because that funding has risen over 52 percent in the past 3 years. These same programs have already received \$7 billion this year in stimulus funding. And yet, we propose another 6.4 percent increase, another \$1.5 billion increase more than last year. That will include a new \$5 million for a program called Youth Services. When I saw that, I thought, my goodness. I wonder how our youth will end up servicing the massive debt that we are leaving them to handle.

My 5 percent across-the-board cut will save the taxpayers \$1.2 billion. My friends on the other side of the aisle will, no doubt, rise in opposition to this bill, and they're going to tell their constituents how hard they've worked in committee, how responsible the bill is. And as one of my constituents said, it must be mighty hard work to spend a billion dollars an hour, 24 hours a day, 7 days a week, which is exactly what is happening in Congress.

I just don't buy the lines about hard work anymore, and neither does the American taxpayer. How hard can we be working? How many hard choices can possibly be being made by Members of this Chamber when every year we spend more and more and more.

My colleagues may say that they aren't increasing funding by all that much, if you don't count the stimulus money, and you don't count the special appropriations. But we have already spent that money on programs. And I do count that money, and I count it because the ones who are going to have to pay that back are our children and our grandchildren.

Mr. Chairman, the gentleman across the aisle from me may offer a series of programs that his party claims are just too vital to be cut. And I would challenge him to take that list to his constituents, to lots of grandmoms like me, and just ask them if they agree.

I would concede that yes, indeed we do have critical programs that need to be funded. I would simply suggest that, in this economy, when people are losing their jobs, when businesses are struggling, with a \$1 trillion deficit already on the books for this year, that

we consider reducing by 5 percent the amount of increase that is before us today.

And so now, so that my colleagues can dazzle me with their Washington-style math, I will reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

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

Mr. SERRANO. It's interesting that when we speak about debt we never bring up the debt that the last administration rang up through the Iraq war. That's got to be at least half a trillion dollars, if not more. And I'm still waiting to find the weapons of mass destruction.

Secondly, if I may brag for a second, I've got the gentlewoman beat. I have four grandchildren. And I don't want to saddle them with any debt in the future. But I think that this bill speaks to another issue that deals with them, and that is their present, so that they don't continue to be ripped off by crooks on Wall Street.

And yet the gentlewoman's cut, for instance, would cut \$51 million from the Securities and Exchange Commission, which would slash 120 staff members who have been placed here now to go after the crooks on Wall Street and all the other folks that created a problem for my four grandchildren now.

And so, yes, it is important to talk about the future. But it's also important to talk about the present. And what I keep hearing from folks is that, in a desire to save money now, we should do nothing to go after those people who created, who created much of the problems that we are facing now.

Let me give you another example. The IRS—new enforcement initiatives would go unfunded, resulting in over \$600 million in lost tax revenues.

In other words, your 5 percent cut, the gentlewoman's 5 percent cut, would take away funding that goes after my grandchildren? No. After their parents? No. They would go after the millionaires and the zillionaires who are parking money overseas and who are not paying their fair share of taxes. So you would cut, she would cut, the gentlewoman would cut people to go after this.

If this amendment passes, the Small Business Administration would not be able to meet the borrowing needs of small businesses. SBA lending, in its popular 7(a) loan program, which both sides support, would be reduced by \$875 million. Many small businesses, and we hear so often on that side about how much they love small business people, many small businesses have turned to the SBA or loans as the credit markets have tightened up, making less credit available to small businesses in this economic downturn. What this amendment proposes, is exactly the wrong thing to do.

The Federal courts would be impacted with a 5 percent reduction

across the board. One thousand full-time employees would be reduced from the Federal courts. On and on, absolutely, you were right. I have a list, but the list is not a list made up by staff or myself just for me to have something to say; it is the result of the impact of a 5 percent reduction. And so, it makes a lot of sense to say, in some cases, it scores a lot of points to say I want to cut the budget by 5 percent. But I think when you look at what we're talking about, you're hurting the very people we should protect.

So let me once again say, I appreciate the fact that the gentlewoman has two grandchildren that she wants to protect in the future. I have four that I want to protect in the future, but I want to make sure that we protect them now by making sure they don't get ripped off again, or their parents, as we did the last couple of years. I reserve the balance of my time.

Mrs. BLACKBURN. What we are saying is save a nickel out of a dollar. A nickel out of a dollar, out of the amount of increase that is being given.

All of these programs sound great, but may I remind my colleagues, this administration has piled up more debt, more debt than every previous administration from George Washington to George Bush. You must have liked the deficit spending so much that you're doing more and more and more and more of it.

There are some of us that have come to this floor repeatedly. Budgets and appropriations should be about priorities.

I encourage a "yes" vote on my amendment.

Mr. SERRANO. We always talk about the debt. The debt was as a result of the last administration. In fact, all of these bailout programs started while we had another President in office.

The fact of life is that we have to protect the present. We have to make sure the past doesn't come back. And this 5 percent cut would hurt the very agencies in this bill that are supposed to assure us of a better present and a better future.

I oppose the amendment and urge its defeat.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 6 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-208.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BROUN of Georgia:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the salary of the Assistant to the President on Energy and Climate Change, the Deputy Assistant to the President on Energy and Climate Change, or any position in the Council on Environmental Quality.

The Acting CHAIR. Pursuant to House Resolution 644, 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 rise today in support of my amendment, which eliminates funding for the climate czar, their deputy, and staff salaries for the Council on Environmental Quality.

For too long the executive branch has skirted Senate confirmation proceedings and congressional oversight by appointing officials to oversee vast parts of the Federal Government. Administrations from both parties have been guilty of this practice. It's time for it to stop.

Mr. Chairman, we do not need and should not have czars. The last time I checked, only pre-Communist Russia had czars, and we are most certainly not Russia. But the word czar aptly describes the kind of power that these positions hold in our Federal Government. And the current administration has no fewer than 30 czars.

Unfortunately, the Rules Committee, as has been their practice, did not allow an amendment to eliminate all of these positions.

□ 1515

The CEQ was mandated by Congress 40 years ago. While their chairman is Senate confirmed and their members are various agency heads, the veil of secrecy by which this council operates is totally unacceptable, and it should be unacceptable to every Member of this House. It's no small secret that the council's actions are overtly political and lacking a proper legislative check, and it didn't just happen overnight. The previous administration's CEQ had its fair share of problems as well.

I have no problem with this administration, or any administration for that matter, seeking advice from outside experts on the important issues of the day. In fact, that's how it should be. But the recent actions by the council with regards to the Army Corps of Engineers as well as their so-called oversight on the projects from the Democrats' nonstimulus bill, to name just two, have forced me to resort to

defunding their operations. Obviously, I would have preferred to remedy this problem through the normal committee process, but that option has not been afforded Members of the minority of this Congress.

Attempting to fix these issues in the appropriations process is less than desirable, but that's all that's afforded the minority right now, and that should be unacceptable to the American people.

I urge my colleagues to wake up and reclaim our constitutional footing as the check on the executive branch and vote "yes" on my amendment.

I reserve the balance of my time.

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

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

Mr. SERRANO. I would like to yield 2 minutes to one of our colleagues and subcommittee chairman, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. The gentleman's amendment represents a misguided view on the subject of climate change and global warming. As the United States finally faces up to its responsibility to adapt to climate change, the gentleman wants to hobble our efforts for some illogical reason.

I, for one, am very comforted by the fact that Carol Browner is serving President Obama on energy and climate change issues and our response to them. We need all of the expertise that we can muster as we figure out how to adapt and mitigate climate change. My friend Carol Browner brings her respected experience as the former head of EPA to this job. The President, as well as the entire country, could not be better served in this important battle.

Also, the gentleman appears to want to defund the Council on Environmental Quality. The CEQ, under Nancy Sutley, is probably one of the best repositories of environmental expertise, and the United States is well served by them. NEPA was created in 1969 and Richard Nixon signed it into law.

As the chairman of the Interior and Environmental Appropriations Committee, I'm proud of the fact that we have dramatically increased funding for climate change science and wildlife adaptation over the last few years. But as my good friend MIKE SIMPSON, who is the ranking member on the Interior Subcommittee, repeatedly has said, we must make sure that the increased spending to combat climate change is spent properly. And I think that Carol Browner can also provide that kind of oversight at the White House. Why anyone would want to refuse her work is beyond me.

I urge a "no" vote on this very, very mischievous amendment.

Mr. BROUN of Georgia. How much time do I have left?

The Acting CHAIR. The gentleman from Georgia has 2 minutes, and the gentleman from New York has 3 minutes remaining.

Mr. BROUN of Georgia. This is about transparency and accountability. This administration has appointed more czars than pre-Communist Russia has appointed, and this one that we're trying to defund is just one of many.

Congress has no oversight. This is totally unacceptable. It should be unacceptable to you guys, too, Mr. Chairman, as well as every Member of this House. It should be unacceptable that we have czars appointed in what's supposed to be a free society, in a democratic Republic, representative government. Congress has the authority and responsibility to oversee the administration, and we're not doing our job, frankly, and it's about time for us to do our job.

Mr. DICKS. Will the gentleman yield on that point?

Mr. BROUN of Georgia. If I can have your time.

Mr. DICKS. I will just say this. We had at least 50 oversight hearings on this deal. Mr. SIMPSON and I—

Mr. BROUN of Georgia. I reclaim the balance of my time.

The thing is, this administration has given all of these czars tremendous amounts of power outside the purview of what they should have under the Constitution of the United States, and this particular czar doesn't look at scientific facts that there are thousands of scientists that say that there is minimal, if any, human effect on global temperatures.

We have an administration who has loaded up this council with people who are carrying out a political process, and it's been politicized, and it should be totally unacceptable. It is to me. It should be to all us of us.

I reserve the balance of my time.

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

Mr. SERRANO. I yield myself 1 minute.

It's amazing that we hear about oversight now. Yes, we do have oversight. It's funny how the other side never claimed oversight when the White House was having meetings determining what our energy policy should be between the White House and lobbyists and no Members of Congress were present, or when the White House and the administration knew that there was torture and other actions going on and nothing was being said.

The problem here is this may rise to a new legislative low because on these committees we respect the White House. When President Bush was in and this committee was in function, we let basically the White House have the staff members it said it needed, and now what we're trying to do here legislatively is to fire people at the White House. That's the wrong thing to do, and we should oppose it.

I yield the balance of my time to Chairman RAHALL. He takes care of all Puerto Rico issues, so I'm very nice to him.

Mr. RAHALL. I thank the gentlemen for that recognition.

Mr. Chairman, I rise in opposition to the pending amendment. It is, in what I view, a vindictive manner that seeks to prohibit the payment of a salary to any person employed by the White House Council on Environmental Quality, in addition to the Assistant to the President for Energy and Climate Change and a deputy assistant.

As the chairman of the Committee on Natural Resources, which has jurisdiction over the National Environmental Policy Act, and hence, CEQ, I can assure my colleagues that eliminating this entity, which is the goal with the pending amendment, would have severe repercussions on our Nation's environment and our economy. CEQ, at least under President Obama, has served to coordinate policy among various Federal agencies and provide regulatory stability, coordination and stability.

I witnessed this firsthand recently with respect to coal surface mining in my home State in Appalachia. The EPA was off in one course, the U.S. Army Corps of Engineers were off on another course, and the coal industry caught in between was the subject of conflict and requirements with nobody able to provide it with a roadmap on how to obtain permits in order to mine coal in this country.

It was CEQ which stepped in, got the regulatory entities together, resulting in an interagency action plan on Appalachian surface coal mining. Now, the efficacy of that action plan remains to be seen, I grant you, but at least a plan is in place and the rules of engagement are set forth.

Now, if this amendment is part of a continued protest against the administration's position on climate change, let me be clear on that point. I voted against the House cap-and-trade bill. I did not support it, but I do support, as the subcommittee has said, the right of this President or any President to establish positions in his or her own White House. And if President Obama finds that he wants a White House assistant on energy and climate change, that's his prerogative. That's his right. It was the right of President Bush before him and many other Presidents in the past.

So I urge my colleagues to indeed oppose this ill-conceived, vindictive amendment.

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-208.

PARLIAMENTARY INQUIRY

Mr. FLAKE. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman may state his parliamentary inquiry.

Mr. FLAKE. I plan to ask for unanimous consent to modify my amendment to reflect some of the amendments throughout this process that were not made in order by the Rules Committee. What I want to know is, is it in order, if the other side agrees with the unanimous consent request, and is it possible for them to do so and allow these other amendments to be offered?

Mr. SERRANO. I object, Mr. Chairman.

The Acting CHAIR. The gentleman has not stated a parliamentary inquiry.

The gentleman will state his inquiry.

Mr. FLAKE. The inquiry is, under unanimous consent, can the majority party agree to modify my amendment?

The Acting CHAIR. That is a hypothetical question.

If the gentleman wishes to make a unanimous consent to modify his amendment, that request is in order at the time the amendment is pending.

Does the gentleman wish to offer amendment No. 7?

Mr. FLAKE. Yes, I do.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:
At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for a small business incubator project of the University of West Georgia in Carrollton, Georgia, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

What I wanted to establish is that by unanimous consent the majority party could agree for me to modify my amendment. Now, I was allowed for 11 amendments under this rule to strike earmarks from the bill. Unfortunately, numerous Members, dozens of Members, were denied the ability to offer any amendments on this bill. It seems the majority party only wants to deal

with those amendments that they know they could win.

Now, under tradition, this House has brought appropriations bills of the House to the floor under an open rule. We've broken with tradition this year. There is a headline on AP wire right now that says, "House Democrats muzzle GOP on sensitive issues." That's a pretty accurate headline. That's exactly what's happening here.

Now, we were told that it was a time constraint issue, that we simply couldn't finish all of the appropriations bills under a certain amount of time so we had to restrict the number of amendments. That's what the world was told here, the country was told. We find out that's not the case at all. We have a time limit under this bill. I have 11 amendments. I'm willing to modify my amendments to reflect some of those that were denied, amendments that were germane.

The first one that I have at the desk is one that would protect broadcaster freedom. This is an amendment that was offered last year in the appropriation bill. It was germane, and it received 309 votes from this Chamber, but the majority leadership doesn't want to vote on that, and so they've denied the authors of that amendment the ability to come to the floor and offer it. And so I'm willing to substitute that for one of mine under unanimous consent, but the gentleman objected twice, so we won't be able to do that.

So I just want to say it on the record—and I will say it again and again—this process is not right. We know this isn't the way it should be done. House Democrats are muzzling the GOP on sensitive issues, just like the headlines now read. It's not an issue of time. We're under time constraints already. We're willing to simply substitute time for time, but the majority party simply will not allow it.

Now to the merits of this amendment.

I'm seeking to strike funding, \$100,000 for funding a small business incubator at the University of West Georgia. This would reduce the overall cost of the bill by a commensurate amount. This is money that's going to a business incubator. You will see that theme throughout a lot of these amendments, whether they're at a university or under some other umbrella. We're taking money from the Treasury here, money that we have to borrow, and funding business incubators.

□ 1530

Now a business incubator, that's a bit of a nebulous term and I haven't quite figured out what it is. It means different things in different places. But apparently here it's simply to offer counseling, resource information exchange, and distance-learning opportunities for entrepreneurs and small business ventures. That kind of thing is done all the time in every State, everywhere. But not everybody gets a Fed-

eral earmark to do that and it's not fair to do it here. People that get this kind of money should have to compete for it if that money is available at all.

With that, I reserve the balance of my time.

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

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

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. On a bipartisan basis, we have scrutinized thousands of Member requests and recommended funding for those projects we believe are most meritorious. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee. I urge my colleagues to oppose this amendment.

I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the ranking member for yielding to me.

I want to say right off that I support the gentleman's request for unanimous consent but I certainly rise to oppose this striking amendment No. 7 by my friend and colleague from Arizona. I want to thank Chairman SERRANO and Ranking Member EMERSON for supporting this request, this project.

I commend the gentleman from Arizona. I think that his heart is true and consistent in regard to wanting to reduce government spending and waste, and I think he is to be commended for that. And I think the gentleman from Arizona knows that I too feel the same way. In fact, I have introduced legislation to bring some fairness and equity to Member initiatives, to cut them in half indeed. I know the gentleman is aware of that.

He doesn't know a lot about this project, and I'm sure that a lot of Members when their project for their district, for their constituents is challenged, they may dread coming down here to the floor. But I don't dread it at all. I'm thrilled to have an opportunity to come down and explain to the gentleman about this project.

Very simply, this \$100,000 would go to the University of West Georgia's Small Business Development Center and their partnership with the Carroll County Economic Development Foundation's Burson Center to simply fund the expansion of their small business support center, or incubator. This center, which already exists, provides resources ranging from business counseling, to temporary office space, to technical support and access to an online database of Angel Investors Networks looking to support a potentially successful small business.

Specifically, this expansion will target the more than 12,000 veterans from

west Georgia that will be returning in the coming year. Given the tight job market, 30 percent or more of these returning veterans will attempt to start their own business and will likely require some type of support in beginning that effort.

I urge my colleagues to oppose this striking amendment.

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I thank the Chair and I thank the gentleman for his kind words. I think I'm the most commended Member in this body who never wins an amendment. Nevertheless, I think when you look at what's being funded here, these are activities that go on all over the country, whether they're sponsored by universities, whether they're sponsored by business groups, chambers of commerce, other associations. And to single one out and say that the University of West Georgia is deserving of a Federal earmark for their project, for their business incubator simply doesn't make sense.

We have a deficit this year that will approach \$2 trillion by the time we finish the fiscal year. We are borrowing money from the taxpayers all over this country, or actually borrowing it from foreign countries, and we're asking the taxpayers and future generations of taxpayers to pay for it because we don't have the money to fund these programs.

This bill increases spending in the Financial Services appropriations bill, I think, \$1.6 billion or so increase over last year. Yet we're funding projects as if we have no problem at all, as if money grows on trees here. And it doesn't. At some point I think we have to step back and say, We can't continue to do business this way. At some point we have to say, We're going to strike an earmark, or we're going to save some money somewhere. I would suggest that now is the time. If we're not going to do it now, I don't know when we're going to do it.

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

The Acting CHAIR. The gentlewoman from Missouri has 2 minutes remaining.

Mrs. EMERSON. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, again, a lot of what the gentleman says, I can agree with, but I continue to believe that some portion of Federal dollars that my constituents send to Washington is returned back to them and to our district, the 11th of Georgia. Yes, preferably through tax relief. But when necessary, through direct support of responsible and well-vetted local initiatives.

Let me explain to the gentleman and provide just a little more context for this request and the needs that this center is seeking to meet. Here are the six counties that the center services as well as the unemployment rate in each

county: Carroll County, 11 percent unemployment; Bartow, 11.5; Floyd County, 10.4 percent; Paulding, 9.8 percent; Haralson, 12.2 percent unemployment; and Polk, 10.5 percent unemployment.

As I said, Mr. Chairman, at the outset in defending this initiative against the gentleman's amendment to strike, this is a good project. And as he says, Well, why don't they go through the regular process. Well, I think if they went through the regular process, this project would have a 98 percent chance of getting funded. But I think it's my responsibility if I can to make sure that we don't take that 2 percent chance. I proudly stand here and defend this project.

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

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

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

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

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Commercial Driver Training Institute project of Arkansas State University in Newport, Arkansas, and the amount otherwise provided in such section is hereby reduced by \$200,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. That didn't sound like the Clerk, so I guess we've been objected to again.

Again what I am trying to do here is modify my amendment to reflect one

of the amendments that was rejected by the Rules Committee. This particular amendment would keep in place the restrictions that have been in place for a long, long time against using taxpayer money to fund abortion services.

The sponsors of this amendment, on both sides of the aisle, felt so strongly about it that many of them on the other side of the aisle voted against the rule. So when time expired just about an hour or so ago to vote on the rule for this bill, it was about 10 votes short of passing because more than 30 Democrats voted against the rule. Now the vote was held open for an inordinate amount of time so that leadership could twist some arms and change some votes to get this rule to pass. You had Members on both sides of the aisle feel that strongly about bringing an amendment to the floor, but the majority party leadership decided, no, that we should be muzzled, not just on this side but Members on that side of the aisle as well.

Mr. Chairman, that's just not right, but that's what happens when you declare martial law on appropriations bills and say to the world, We can't do it because time does not allow. And then when somebody here asks for unanimous consent to simply substitute time for time, one amendment that wasn't allowed in order for one amendment that was, the majority stands up and says, I object.

So let's get rid of the fiction once and for all that this is an issue of time. What it's an issue of, the majority leadership does not want Members to have the ability to offer the amendments they would like to. We had the gentleman stand up in the last hour who presided a couple of years ago over the Interior appropriation bill. He noted that he sat in the Chair for over 3 days to listen to amendments come up on the Interior appropriation bill. I remember that time. I offered many of those amendments. There were many amendments that people on both sides of the aisle offered that the leadership on both sides of the aisle was uncomfortable with. But they allowed it to occur, because that's the way it should work here.

Under this martial law rule, we have a structured rule and the majority leadership picks which amendments can be offered and which ones cannot. That is simply not right, Mr. Chairman.

Now in terms of this amendment, this amendment would prohibit \$200,000 from funding the Arkansas Commercial Driving Training Institute, and it would lower the cost of the bill by a commensurate amount. The recipient of this earmark is Arkansas State University. It's had a truck driving institute for more than 20 years. I am all for driver safety, particularly big 18-wheelers that are on the road, but I'm not sure why the Federal Government is funding this particular driving program. Nor do I understand why this institute is receiving another earmark,

having received nearly a quarter of a million dollars in earmark funds in the omnibus bill that we passed just a few short months ago.

In fact, it appears that this institute was established and built in part with taxpayer dollars, Federal taxpayer dollars, thanks to a nearly \$350,000 earmark it received in the fiscal 2008 transportation spending bill.

A quick search on the Internet shows there are dozens and dozens and dozens of commercial driving training schools all over the country. None of them have received this kind of Federal largesse. Why do we continue to fund institutes like this? Aren't some of the others just as deserving? Or is it just because we have Members in a position to do it?

If you look at this chart, you'll get the answer there. This is the Financial Services bill that we're dealing with now. Sixty percent of the earmarks in this bill are going to just 24 percent of the body. That represents appropriators, chairmen, ranking minority members, so-called powerful Members. Sixty percent. If you look at the dollar value of the earmark, that goes up to 70 percent. Seventy percent of the earmark dollars in this bill are going to less than 24 percent of the body.

Now you'll hear a lot of high-minded rhetoric about we can't let those faceless bureaucrats in the bureaucracy decide where the money goes. Well, most of the Members in this body would do better with faceless bureaucrats than with the Appropriations Committee, because time and time again, and this is a trend that we've seen throughout the appropriation bills this year, a small number of Members get a big chunk of the cash. And this is going to some organizations that have gotten earmarks year after year after year after year.

I reserve the balance of my time.

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

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

Mr. BERRY. Thank you, Mr. Chairman.

I certainly want to thank our distinguished chairman and ranking member of this committee and the staff that's done magnificent work preparing this bill and getting it to the floor. We all appreciate them and what they've done.

I try to never rise to speak that I don't encourage anyone that will listen to me to keep in their hearts and minds and in their prayers our men and women in uniform and their families. I am delighted to be here to not only hopefully defend this amendment against attacks but I have heard my friend from Arizona's complaints.

I would refer him first of all to article I, section 9 of the United States Constitution that says no money shall be drawn from the Treasury but in consequence of appropriations made by law.

□ 1545

It says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." I don't think the bureaucrats have the authority under the Constitution to appropriate money. That's the job of this Congress, this House, and the Appropriations Committee.

And I know my friend from Arizona means well. He has good intentions. He does these things in a spirit of camaraderie and never gets too vicious with his attacks. And I appreciate that. He is indeed a good fellow. But my mother used to tell me that the road to the bad place was paved with good intentions.

These people this truck driving course takes care of, the people that it makes possible for them to get trained, they're trained for good jobs that already exist. They're not going to get trained and then be out of work. They're going to be trained to operate vehicles over the Nation's highways in a safe manner.

This program helps to filter out any people that would not be suitable for that type work. That's part of what it does. This is a need that has existed for many, many years, and we have put lots and lots of State money, a lot of local money into this program and this community college, which does an outstanding job—and it has other programs where it trains people for jobs that already exist, and this is just one of its programs.

It would be absolutely foolish for us to deny this little bit of funding for a place that has worked so hard, has a very difficult time economically, and does only take up an effort to try to improve the lives of the people that want to work hard and participate in these programs and be trained for a good job.

And so I urge a "no" vote on this amendment, and I would urge my colleagues that choose to oppose earmarks—I like to call them Member-directed spending—but I think the Constitution is very clear on who's supposed to do that. If they would choose to be opposed to these Member-directed spending in these bills, then they need to go back to the Constitution and see where it says bureaucracy or bureaucrat or Federal agency or the executive branch or anything like that. It doesn't say that. It says the Congress has to pass these laws and make this money available.

So, I'm delighted to be here and appreciate the opportunity to speak against this amendment.

I reserve the balance of my time.

Mr. FLAKE. I urge support of the amendment.

Mr. BERRY. I urge a "no" vote on this amendment.

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

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

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

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

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Proof of Concept Center of Idaho TechConnect, Inc., in Nampa, Idaho, and the amount otherwise provided in such section is hereby reduced by \$285,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The CHAIR. Objection is heard.

The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'd like to engage on my time a colloquy with the gentleman, the chair of the relevant subcommittee, if I could.

I'm just wondering why the majority doesn't want to consider these amendments that weren't made in order.

Mr. SERRANO. The Rules Committee made in order a certain amount of amendments. The Rules Committee is a body composed of Members from both sides. That's the rule that we're working under. And I think that out of respect for the House and the rules that we work under, we should accept that as the format for this debate today, and not to change it in any way just when we feel like it.

Mr. FLAKE. I thank the gentleman. He makes an important point. We have traditions in this House that we ought to uphold—and one tradition is appropriation bills being brought to the floor under an open rule. And we shouldn't be able to change that just because we feel like.

What I'm trying to do is return to the traditions of the House and allow Members to bring the amendments that they would like to offer; that their constituents, with their voice in Washington, would like them to be able to offer. But we're not allowed to. As the headline out there right now reads,

"House Democrats muzzle GOP on sensitive issues."

Now this amendment that I would like to have offered instead of mine would allow the School Choice Initiative in Washington, D.C., to continue. Funding will go away for everyone except those who are currently in the program.

Over the past several years, thousands of residents of D.C. schools have been able to go to the schools of their choice. Now, because of this bill being passed today, unless an amendment is accepted otherwise, those children will be denied that choice.

Now that is an amendment that has support on this side of the aisle and the other side of the aisle. It was an amendment that was offered at the Rules Committee that was fully germane. It was in order to be considered. It was simply rejected because the majority leadership did not want this body to vote on it. I don't know why. We will have to all speculate.

But the fact is that we're taking the time that could have been offered for this amendment and allowing that one to be offered instead. So we're not increasing the time for these appropriation bills. The majority party is still objecting to that unanimous consent request.

Now, with regard to this amendment, this amendment would prohibit \$285,000 from going to Idaho TechConnect, Inc., for the Proof of Concept Center, and reduce the overall cost of the bill by a commensurate amount. This Idaho TechConnect accelerates Idaho's innovation-based economy by connecting people, resources, and ideas.

Here's another one that's pretty much indistinguishable, I think, from the last one. It's a business incubator of some type that a group here, Idaho TechConnect, seems to think is worthy of Federal largess or an earmark. It doesn't want to compete for dollars that might be in an account that Congress, through its role under article I, has instructed the agency to set up. No. It attempts to earmark dollars beyond that.

The last gentleman mentioned that Congress has the power to appropriate. It certainly does. That's what we do here. That's the most important part of what we do here. And we tell the agencies what they can fund and what they can't, and we provide the money for them to do so.

We will often tell them to set up a program by which individuals and organizations around the country can compete for Federal dollars. But instead, here what Congress is doing is saying, We don't like what you've set up so we're going to run a parallel program, we're going to earmark dollars for these programs, because if the organization in my district had to compete for those dollars, they may not get them. There's only a 98 percent chance that they would get them. I want to make sure they do. Or, there's a 5 percent chance they would get it. I want

to make sure that they get those monies. And so we run a parallel track here.

I would say that I can't find the word bureaucrat in the Constitution, nor can I find the word earmark. Congress has the power to appropriate. But we authorize, we appropriate, and we have oversight functions. And we're circumventing that process when we earmark in this fashion.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim time in opposition.

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

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. In addition, the Small Business Administration was given an opportunity to vet this project, and it provided the committee with no negative feedback regarding the project or the grantee.

Unfortunately, Mr. SIMPSON, the sponsor of the amendment, was unable to come to the floor due to other important business.

I yield the balance of my time to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. I want to thank the gentelady for yielding. I want to thank Mr. FLAKE for his attempt to have my amendment offered. As you know, the gentleman asked unanimous consent to substitute for his amendment an amendment that would provide for a continuing scholarship program for students—poor students here in the District of Columbia.

This is an issue that many of us fought very hard for some 5 or 6 years ago. Unfortunately, the administration and the majority party here in the House have decided to end this program and only allow those students who are currently enrolled to finish. It does nothing to address the siblings of these students that are in these schools.

The reason this program was set up is because the District of Columbia had some of the worst schools in America. And while we spend nearly \$15,000 per student for the students here in the District of Columbia, this small program is serving about 2,200 kids—2,200 kids, to give them a chance.

And all they wanted was the opportunity to debate the continuation of this program. But the majority party says, No, no, no. We can't have a debate on that. Why? Because we might win. And it wouldn't be us winning, it would be the poor kids in D.C. who are currently getting these scholarships. But we can't even have the debate. We can't even have a vote. What has this place become?

I just think it's outrageous that Members on either side of the aisle don't have an opportunity to offer amendments to these appropriation bills. This process now has gone on for

4 or 5 weeks, and it appears that it will go on for the next couple of weeks.

This is not what has ever happened in the 18½ years that I've been here—the 19th appropriation season I've been through. I've never seen anything like this in terms of the majority willing to suppress virtually all the Members of the House on both sides of the aisle.

And I think that the amendment that I wanted to offer to help save this program for poor kids here in D.C. was a worthy amendment. And I think Members on both sides of the aisle wanted to have an opportunity to debate that amendment and have a vote on it. But, no, it couldn't happen.

So I would urge my colleagues to vote against this bill.

Mr. FLAKE. I thank the gentleman and the gentleman's comments, the minority leader. We ought to allow substitution of this amendment. There's no reason, other than the majority party simply doesn't want to have the debate or have the vote.

With that, I urge support of this amendment, and I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Greenstone Group project of the Northeast Entrepreneur Fund in Virginia, Minnesota, and the amount otherwise provided in such section is hereby reduced by \$200,000.

The CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The CHAIR. Objection is heard.

The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. This amendment that I had hoped to substitute was an amendment offered by the gentleman, Mr. GINGREY of Georgia, which would simply have prohibited union activity on government time. Apparently, it's an amendment that the majority leadership did not want—it's a debate that they didn't want this body to have. It's an amendment they didn't want this body to vote on.

□ 1600

Now, it's a shame because it would be a 5-minute time limit, or 5 minutes per side, just the same as this amendment. This isn't an issue of time. There were a lot of amendments submitted to the Rules Committee. Far fewer were made in order, but now we have the time established and we're simply wanting to substitute one germane amendment for another germane amendment, but the majority party is objecting once again. So I think that the headline that was just out—House Democrats muzzle GOP on sensitive issues—is completely correct, and it is a shame, Mr. Chairman.

This amendment would prohibit \$200,000 in funding for the Northeast Entrepreneur Fund, and it would reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, the Northeast Entrepreneur Fund has helped start, stabilize or expand more than 1,100 local businesses and helped train or retain more than 3,000 jobs.

The certification letter indicated the funding for the Greenstone Group would strengthen 500 entrepreneurs in the region through group-based learning, peer support and access to various business services.

Again, here we have another business incubator. This is something that private-sector organizations, chambers of commerce, trade associations, and other businesses offer and do all over this country—hundreds in every State. Yet here we are singling one out and are saying this one is worthy of a Federal earmark, and we're going to give \$200,000 to it. That's not right, Mr. Chairman. We can't continue to spend money this way.

Every dime that we are spending over and above what we spent last year, and a lot of what we spent last year is borrowed. When will we decide enough is enough and that we can't continue to do business as usual and fund earmarks in this fashion?

I reserve the balance of my time.

Mr. OBERSTAR. I rise in opposition to the amendment.

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

Mr. OBERSTAR. Mr. Chairman, I want to take the opportunity to thank the chairman of the full committee, Mr. OBEY, the chairman of the subcommittee, Mr. SERRANO, and the

ranking member, Mrs. EMERSON, for acknowledging the merits of this proposal and for including these funds for Greenstone Group.

I respect the gentleman from Arizona. He is consistent, persistent and sincere in his opposition to constituent-inspired investments that Members offer on their behalf; but were he to prevail, he would, in fact, be muzzleing job-creating opportunities in northeastern Minnesota, an area in my district where unemployment rates are 12.9 percent, 15 percent and 16 percent in one community after another.

The term "Greenstone Group" is derived from the mineral deposit that underlies much of northeastern Minnesota's iron ore mining country. It is a natural resource-based economy. We've been losing jobs with the downturn in steel and iron ore production. In fact, the iron ore mines are completely shut down, and some 6,000 jobs have been lost. The bright spot is the Northeast Entrepreneur Fund, which the gentleman, in fact, cited from the application proposal.

The Entrepreneur Fund, which I have supported for over 20 years, has stabilized and has created 1,000 businesses, 2,500 jobs, people who are employed, who are paying Federal, State and local taxes that would not otherwise be paid. The return to the Federal Government on this investment is significant and real and tangible. The Entrepreneur Fund has provided \$7 million in loans to 350 businesses. Over 9,000 individuals have been helped by the fund, by the Northeast Entrepreneur Fund. They have established a Women's Business Center. They've been an SBA microlender.

They're not doing it all by themselves. The gentleman from Arizona said, well, this can and should be done by the private sector. Well, the John S. and James L. Knight Foundation, the Blandin Foundation, Minnesota Power Company, and the Lloyd K. Johnson Foundation all are partners and participants with the Northeast Entrepreneur Fund and with the Greenstone Group. There is a public-private partnership that has been very successful and that has the support of the private sector. How does this translate?

Carol Willoughby, whom I know personally, has a very small company, Let the Whole World Know.

Without the training, the technical training from the Northeast Entrepreneur Fund, I could not have done it. I wouldn't be in business without them, she wrote.

Luke Popham and Jeremy Rebrovich, two beginning entrepreneurs, were turned down by nine banks until the Northeast Entrepreneur Fund found them, helped them and guided them.

Jeremy says, Without the Northeast Entrepreneur Fund, I wouldn't be in business today.

They built a fitness center with their carpentry skills, and they have 900 clients. They're producing, and they're creating jobs in an area that is losing jobs.

What the Entrepreneur Fund and the Greenstone Group do is simply provide, in participation with the private sector, professional business coaching. People with real world business experience have helped these beginning entrepreneurs do the right thing—develop good business plans, get on their feet, and operate successful businesses. These one-on-one meetings with their coaches help the business owners step back from the day-to-day job of running their businesses and help them to see the possibilities for growth. They develop sound business plans. This is a good investment of Federal dollars.

I urge opposition to the gentleman's amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining and the right to close.

Mr. FLAKE. I thank the Chair.

I would yield to the gentleman just 30 seconds for him to explain whether there is any time in the foreseeable future that he believes the entity will not be reliant, or dependent, on Federal funds.

Mr. OBERSTAR. When the private-sector lending enterprises can step up on their own and can support startup enterprises like that, you won't need a helping hand, but when the private sector says, We can't do this alone and we need a helping hand, then I think there is an appropriate role for the Federal sector to be a partner with the private sector.

Mr. FLAKE. I thank the gentleman. I thank him for that clarification.

Mr. Chairman, no Member of Congress will ever say that, in his district, there is full employment and that there is no need for outside assistance. This particular entity isn't just receiving this earmark. It received an earmark for nearly \$250,000 in the FY09 omnibus bill that we passed just a few months ago. So we have last year's bill, this year's bill and likely next year's bill.

There are organizations all over the country that would like, one, to compete for SBA funds on merit rather than on earmark, and there are private-sector organizations that would like to provide this assistance, but they're competing with government entities that are providing some of the same services, a lot of these services that are indicated here—strengthening entrepreneurs, group-based learning, peer support, access to various business services. These are services provided by the private sector all over the place as well, but these private-sector organizations now have to compete with government organizations to survive. In some cases, it is no wonder there aren't private-sector organizations. They're crowded out by their government counterparts.

So, rather than continuing to fund entities that have received earmarks year after year and that have no real prospect of not being reliant on Federal Government funding in the future,

we've got to say enough is enough. We can't continue to spend money this way when we're running a deficit that might approach \$2 trillion this year.

With that, I urge support of the amendment, and I yield back the balance of my time.

Mr. OBERSTAR. When the gentleman from Arizona waves his magic wand over the northeastern part of my district and restores economic stability and growth and job creation, then we won't need this helping hand.

As I pointed out, there is no crowding out of the private sector. In fact, as I cited, one of the participants was turned down nine times by small banks that don't have the backing of big correspondent banks. They couldn't do it on their own. Then the Northeast Entrepreneur Fund came in and partnered with them, and now we have got jobs created and we have got people working. That is what we're doing. There is no crowding out. There is a partnership, a public-private partnership, that is successful in job creation and in payroll creating, taking people off the unemployment rolls and putting them on payrolls.

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

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

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

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

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FLAKE:
At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Green Business Incubator project of Montgomery County, Maryland, and the amount otherwise provided in such section is hereby reduced by \$150,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have at the desk.

Mr. SERRANO. I object.

The Acting CHAIR. Hearing an objection, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'm just proud of myself for getting those words out before the objection came.

Again, I would have substituted, this time, the Broadcaster Freedom Act amendment, which would have been the same amendment we passed last year, which needs to be passed every year to prohibit the FCC from bringing back the so-called Fairness Doctrine, which would muzzle or gag, much like we're being muzzled or gagged on this side during this debate. It would muzzle or gag, particularly, conservative talk radio. That is the purpose that has been raised in the past, and there are fears and, certainly, some support among certain powerful Members of this body to reinstate the so-called Fairness Doctrine.

This would prohibit the FCC from spending any money to implement that Fairness Doctrine. Again, first we're being told that we don't have time to consider this amendment. We know that's not the case. So the real reason is the majority leadership does not want this amendment to be considered. They don't want the debate to happen. They don't want a vote to happen. They don't want to put their Members on record. They simply don't want to prohibit funding for that purpose. It is too bad, Mr. Chairman. I would hope that we could return to the traditions of this House, have open appropriations bills and have an open debate.

This amendment would remove \$150,000 in funding for the Montgomery County Green Business Incubator, and it would reduce the cost of the bill by a commensurate amount. The recipient of this earmark is the Montgomery County Department of Economic Development. Now, I should say I don't know how many counties there are around this country. States like Arizona have large counties. A few States in the Midwest and in the South have literally hundreds of counties. In just about every county in the country there is a Department of Economic Development. Cities have them. States have them. There are literally thousands across this country, but we're singling out one here, the Montgomery County Department of Economic Development.

We're saying, You don't have to compete with everybody else for any dollars that the SBA has to send out, because we're going to earmark those dollars, and you're going to get them regardless of the merit of your program. It may be good; it may not be, but it doesn't matter because a powerful Member of Congress can simply say you're going to get that money, and that's what's happening here.

Again, these are business incubators, which is a pretty broad topic, providing services that a lot of private-sector organizations across this country already provide.

I reserve the balance of my time.

Mr. VAN HOLLEN. I rise to claim the time in opposition, Mr. Chairman.

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

Mr. VAN HOLLEN. Mr. Chairman, first of all, I want to commend my colleague from Arizona for taking the time to scrutinize many of these projects.

I am pleased with the changes we have made in this body with respect to the transparency and accountability of the earmark reform process. It's something that my colleague has fought for for many years, but those changes did not actually take place until the new Congress was sworn in in January 2006. I am pleased we have gotten to this point, and I think the gentleman performs a very useful function here.

Montgomery County, Maryland, has become one of the Nation's centers in the biotech area. It is one of the top 10 biotech centers in the country. One of the reasons they were able to do that is they pursued a successful strategy of creating incubators.

Mr. Chairman, I include for the RECORD a whole list of success stories for the Montgomery County Incubator.

MONTGOMERY COUNTY INCUBATOR NETWORK
SUCCESS STORIES—JUNE 2009

1. Avalon Pharmaceuticals.

Ken Carter, Ph.D., President, 20358 Seneca Meadows Parkway, Germantown, MD 20876, 301-556-9900.

Admitted: January 2000.

Graduated: October 2000.

Current Employees: 50+.

At admission: 3.

Avalon Pharmaceuticals, Inc is a bio company that utilizes an innovative forward chemical genetics approach to create safer and more effective small molecules medicines—focused in the area of cancer. The company has received more than 60 million in venture capital funding. In December 2004 the company was selected as a Top 100 Innovator by Red Herring. Red Herring covers technology innovation, venture financing, and the deals that make a difference. Its award-winning journalists go deeper, providing a comprehensive, critical analysis of what's new and why it matters. Red Herring's editorial staff evaluated over 1,200 submissions from 900 public and private companies, and selected the Top Innovator companies. The company executed an IPO in 2005 and was sold in 2009 to Clinical Data.

2. Nextone Communications.

Ravi Narayan, COO and Co-founder, 101 Orchard Ridge Dr., Suite 300, Gaithersburg, MD 20878, Tel. 240-912-1300.

Admitted: April 1999.

Graduated: January 2003.

Current Employees: 100+.

At admission: 4.

Nextone develops carrier-grade products that provide scalable session management of voice over IP (VoIP) and other real-time services. Nextone's portfolio of core and edge session management technologies enables service providers and carriers to interconnect their voice networks in the most simple and cost effective way. Nextone has offices in Asia and Europe.

3. Systems Integration & Development, INC (SID).

Ajay Agrawal, President & Founder, 15200 Shady Grove Road, Suite 300, Rockville, MD 20850, Tel. 301-840-2120.

Admitted: January 1999.

Graduated: July 2002.

Current Employees: 110.

At admission: 4.

SID specializes in designing, developing, and implementing superior quality web based software solutions for commercial enterprises and government agencies. SID has developed several web based COTS tools as solutions for workflow management, document management and tracking systems. 2004 has been a stellar year for SID. The company has been named members of several key "who's who" lists in the IT world, including Maryland Technology Fast 50 (ranked 21st), Washington Technology Fast 50 (ranked 13th), and the Technology Fast 500 for North America (ranked 483rd.)

4. GeneDX, Inc.

Sherri Bale, Founder, President & Clinical Director, 207 Perry Parkway, Gaithersburg, MD 20877, Tel: 301-519-2100, x102.

Admitted: July 1999.

Graduated: September 2002.

Current Employees: 25.

At admission: 2.

GeneDx specializes in genetic testing for rare hereditary disorders. Its mission is to make clinical testing available to people with rare genetic conditions and their families.

5. Opgen, Inc.

Noel Doheny, CEO, 708 Quince Orchard Boulevard, Gaithersburg, MD 20878, Tel: 301-919-6635.

Admitted: March 2008.

Graduated: July 2008.

Current Employees: 56.

At Admission: 2.

Opgen holds the record for the fastest graduation in the Incubator Network. The company owns a proprietary molecular detection system. The purpose of its technology is to detect and identify pathogens. Opgen's technology was utilized by the U.S. FDA to detect and trace the source of e-coli and salmonella that broke out in the produce markets. The company has received \$50MM in venture funding and has contracts with the FDA and DARPA.

7. Aeras Global TB Foundation.

Jerald Sadoff, MD, President & CEO, 1405 Research Boulevard, Rockville, MD 20850, Tel: 301-547-2900.

Admitted: February 2004.

Graduated: September 2006.

Current Employees: 110.

At Admittance: 5.

Aeras is the recipient of over \$200MM in grants, namely from the Bill & Melinda Gates Foundation. The organization is focused on developing a new and improved vaccine for tuberculosis, as well as diagnostics and therapeutics.

8. Advanced Vision Therapies, Inc.—“Finding Solutions to Prevent Blindness”.

Michael Kaleko MD, PhD, President, 9 West Watkins Mill Road, Gaithersburg, MD 20878.

Admitted: June 2003.

Graduated: January 2007.

Current Employees: 18.

At Admittance: 4.

Advanced Vision Therapies, Inc. (AVT) is focused on the treatment of sight-threatening eye diseases, such as age-related macular degeneration and finding a cure that works. AVT recognized that an improved delivery system is required to enable the broad application of ocular therapeutics. The company has identified two novel therapeutics and developed a proprietary delivery system, which, with a single administration, will provide sustained, possibly life-long therapy. AVT was acquired by the Wellstadt group who was subsequently acquired by Roche.

9. 20/20 GeneSystems, Inc.

Jonathan Cohen, Esq., CEO, 9430 Key West Avenue, Rockville, MD 20850.

Admitted: September 2001.

Graduated: December 2006.

Current Employees: 14.
At Admittance: 2.

20/20 GeneSystems, Inc. is dedicated to the development and commercialization of novel protein biomarker based diagnostics useful for both early disease detection and personalized medicine. The company presently utilizes several proprietary protein array technologies including a technique for multiplex tumor profiling that is a platform for "companion diagnostics" that predict patient response to targeted therapies. The company is using its technology to develop what it believes will be the first blood test for the early detection of lung cancer that will be a routine screen for smokers and others at high risk for the world's leading cancer killer. The company also has a profitable business unit, 20/20 BioResponse, dedicated to delivering biotechnology solutions to first responders.

10. ADF Solutions, Inc.
JJ Wallia, CEO, 4641 Montgomery Avenue, Suite 515, Bethesda, MD 20814.

Admitted: October 2005.

Graduated: June 2007.

Current Employees: 18.

At Admittance: 2.

ADF Solutions is the leading provider of software triage tools for forensic analysis. These tools allow for first responders, case agents and forensic examiners to quickly and cleanly analyze suspect computers and drive images, both in the field, and in forensic laboratories. The company's solutions are currently being deployed and tested at agencies worldwide for child exploitation cases, drive images analysis, cyber crimes, financial crimes and others.

11. Ariadne Genomics, Inc.
Ilya Mazo, PhD, CEO, 9430 Key West Avenue, Rockville, MD 20850.

Admitted: October 2005.

Graduated: June 2007.

Current Employees: 30.

At Admittance: 4.

Ariadne brings together a unique combination of talents in algorithm design, commercial bioinformatics system construction and bench-level biological expertise. The availability of public human and other genomic data, organism-wide protein-protein interaction data and widespread gene profiling technologies presents new challenges to the storage and analysis of biological and pre-clinical data. In recognition of this trend, Ariadne introduces a new generation of bioinformatics products that combine flexibility of desktop applications and browsing power of web-based solutions.

12. NetImmune (now known as RioRey).
Jason Lu, Original Founder, 7920 Norfolk Avenue, Bethesda, MD 20814.

Admitted: October 2005.

Graduated: April 2006.

Current Employees: 26.

At Admittance: 2.

Distributed Denial of Service (DDOS) attacks, in which a targeted server is crippled or shut down by a flood of malicious traffic, are a growing threat to both public and private networks, endangering revenue, productivity and confidential data. NetImmune's technology provides a unique, hardware-based solution to the DDOS threat. The technology was originally developed by the University of Maryland, commercialized by NetImmune and is now sold under the name of RioRey.

13. Radius Technology Group, Inc.
Chris Archer, CEO, 804 Pershing Court, Suite 001, Silver Spring, MD 20910.

Admitted: August 2004.

Graduated: August 2007.

Current Employees: 23.

At Admittance: 3.

Radius Technology is an award winning Information Assurance and Security Services

Firm. They offer innovative, comprehensive information assurance and technology security services. Their risk-based approach aligns the most effective information assurance solutions with the unique needs and business objectives of its clients.

14. Get Real Consulting (formerly InetXperts).

Robin Weiner, CEO, 51 Monroe Street, Suite 1903, Rockville, MD 20850.

Admitted: October 2002.

Graduated: December 2007.

Current Employees: 30.

At Admittance: 3.

Get Real Consulting is the 2009 Microsoft Health Users Group—Innovation Awards Winner and the 2008 Emerging Business of the Year (Montgomery County Chamber). The company focuses on delivering high quality IT/Healthcare solutions and was one of the first Microsoft Health Vault solutions provider.

15. Institute for Biological Energy Alternatives (IBEA).

J. Craig Venter, CEO, 9704 Medical Center Drive, Rockville, MD 20850.

Admitted: May 2002.

Graduated: September 2004.

Current Employees: 200+.

At Admittance: 4.

IBEA is now a part of the consolidated J. Craig Venter Institute. The JCVI in May of 2009 received a \$43 million, five year contract from the NIH/NIAID to provide genomics resources that are responsive to the needs of the global infectious disease community. To do this, JCVI investigators with scientific and technical expertise in infectious diseases, human genomics, DNA sequencing, genotyping, and bioinformatics, will continue to generate comprehensive genomic data sets that will enable pathogen countermeasures such as vaccines, therapeutics, diagnostics, and surveillance methods.

About the Craig Venter Institute: The JCVI is a not-for-profit research institute in Rockville, MD and San Diego, CA dedicated to the advancement of the science of genomics; the understanding of its implications for society; and communication of those results to the scientific community, the public, and policymakers. Founded by J. Craig Venter, Ph.D., the JCVI is home to approximately 400 scientists and staff with expertise in human and evolutionary biology, genetics, bioinformatics/informatics, information technology, high-throughput DNA sequencing, genomic and environmental policy research, and public education in science and science policy. The legacy organizations of the JCVI are: The Institute for Genomic Research (TIGR), The Center for the Advancement of Genomics (TCAG), the Institute for Biological Energy Alternatives (IBEA), the Joint Technology Center (JTC), and the J. Craig Venter Science Foundation.

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Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We are now adjusting to a new imperative, which is to make sure that we, as a Nation and as communities, move in the direction of clean energy technology and energy efficiency. These funds would be used by Montgomery County on a competitive basis to provide seed funding for startup small businesses, companies that have to meet very rigorous criteria, just as the kind of criteria they used and was applied in the biotech sector. So I think this is an incredible example of strong public-private partnerships. Again, these will be distributed on a very com-

petitive basis. There is going to be a long line of people waiting for these requests, and they are going to have to meet the competition requirements. I'm pleased to join in this request with my colleague Donna Edwards. Unfortunately, Mr. Chairman, we're in Ways and Means marking up the health bill, so I am going to have to turn it over to my colleague.

The Acting CHAIR. Without objection, the gentlewoman from Maryland will control the balance of the time.

There was no objection.

Mr. FLAKE. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining and the gentlewoman from Maryland has 3 minutes remaining.

Mr. FLAKE. And I have the right to close?

The Acting CHAIR. The gentleman is correct.

Mr. FLAKE. I will reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Chairman, I rise in strong opposition to this amendment. This amendment would prohibit funding for a project that will have a tremendously positive economic impact not only to Montgomery County but to the entire State of Maryland. This Green Business Incubator is expected to house 20 to 25 new businesses that will create an estimated 460 green jobs in our State. This project is both unique and innovative, and it's timely. This is a transformational time for American entrepreneurs, creators and innovators; and we have an opportunity not to do the work as government but to facilitate it, to jump-start it and to get out of the way of smart green entrepreneurs.

This is not the type of project that should be cut. Instead, this project should be used as a model for local areas around the Nation. The project is an example of how local communities can spark economic growth within a region, not with the help of giant outside corporations, but with small local businesses that are most closely connected to the people and their communities.

Now aside from providing economic growth, this Green Business Incubator and others like it around the country is a way to invest in our environment and new environmental technologies, 21st century technologies. The project will use both critical environmental investments and technologies that have resulted in new energy and climate policies and that have accelerated demand for green technologies.

This particular area of Maryland is a technology hub. Montgomery County intends to use the linkage locally with some of our strongest Federal laboratories, NIST, NOAA, NASA and the Department of Energy to develop new technologies that are environmentally sound. It is going to take a continuum of technologies to meet our global, environmental and energy needs in the 21st century. We have a strong track

record in Montgomery County with these Federal research to commercialization models. In FY09, Montgomery County had 135 companies in incubators with a fiscal impact of \$465,000 to county coffers. This Green Business Incubator will contain the 21st century labs and communications facilities that fledgling green businesses need to grow, flourish, employ hundreds of workers and generate thousands of dollars in private market capital.

I would like to thank Chairman SERRANO and Ranking Member EMERSON for seeing the importance of this project for this century and for seeing its potential to spur environmentally sound economic growth for small business in Maryland. I urge a “no” vote on this amendment.

I reserve the balance of my time.

Mr. FLAKE. The gentleman who spoke earlier mentioned that this was in the top 10 of something. I know that Montgomery County beat out eight competing counties to house the Maryland Clean Energy Center, which is the State’s first clearinghouse to drive clean energy and technologies. So we have an organization here, a county that is beating out competition. That’s a good thing. But we’re telling them, because you’re beating out that competition, we’re going to give you an earmark so you won’t have to compete anymore. I mentioned that there are literally thousands of county Departments of Economic Development around the country who would like a shot at these funds, I’m quite sure. But when they apply for these funds at the SBA, they’re probably being told, Sorry. That account is oversubscribed. There are too many earmarks in it so you won’t be able to compete because a particular powerful Member of Congress simply siphoned off the funding so that an organization or institution in his or her district could receive those funds without competing for them. Just remember, what earmarks really are are no-bid contracts. It’s basically an acknowledgement that you don’t want the organization or institution in your district or elsewhere to compete for the funding, so you are going to ensure that they get it. And when you look at a chart like this, it’s particularly pernicious when 60 percent of the share of earmarks are associated with appropriators, leadership, committee Chairs or ranking minority members, who comprise just 24 percent of this body, and 70 percent of the dollar value is associated with that group. And so you have a spoils system that decides where this money goes. Remember, Congress has the power to appropriate; and what we should do is first authorize, then appropriate and then conduct proper oversight but not circumvent that process by saying, We’re just going to run a parallel program over here in Congress and earmark the dollars.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Maryland has 30 seconds remaining.

Ms. EDWARDS of Maryland. Mr. Chair, with all due respect to the gentleman from Arizona—and I definitely understand his purpose—the fact of the matter is, this is a great project not just for the State of Maryland but for this country. It’s important for us to look specifically at what a project will accomplish, how many jobs it’s going to create in our State of Maryland and the value of that. I agree. I’m not going to pick and choose winners and losers among businesses in my congressional district, but I will pick and chose for the growth of small business in our community and stand behind those choices.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining.

Mr. FLAKE. I thank the Chair.

The argument we’re hearing is akin to saying—you know this whole college bowl system that we have, the BCS? That’s good. But we think the University of Maryland or Arizona State University or BYU or another organization, we think they’re better. So we’re just going to award them the national championship. They shouldn’t even have to compete in the BCS or anywhere else because we think they’re better. And because we can, we’re going to do that. That’s one of the problems with the contemporary practice of earmarking. And for that, I hope that we will object this amendment and at some point say that we can’t continue to spend money in this way.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for “Small Business Administration—Salaries and Expenses” shall be available for the Activity Based Total Accountability project of the Florida Institute of Technology in Melbourne, Florida, and the

amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

Mr. SERRANO. I object.

The Acting CHAIR. Hearing objection, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thank the chairman.

It’s unfortunate that it’s been objected to again. Again, this amendment that I would have substituted is one that had bipartisan support, many Democrats, many Republicans, that would simply keep in place the restrictions that have been in place for years with regard to taxpayer-funded abortion. This is one that the rule for this bill just narrowly passed after the vote was held open for longer than it was supposed to so that a few arms could be twisted to make the rule pass because so many Members wanted this amendment to be considered. But yet the leadership on the majority side has said, We don’t want to have a debate on this. We don’t want to have a vote on this.

Now it doesn’t matter which side you’re on on this issue. I think everyone should agree that we should have a vote on it. This is the people’s House. People should have the opportunity to vote on issues like this. It is not increasing the time for debate. It’s simply substituting one amendment for another. It is unfortunate we won’t be able to do that.

This amendment would remove \$100,000 in funding for the Florida Institute of Technology in Melbourne, Florida, to be used for, quote, activity-based total accountability. According to the earmark sponsor’s Web site, he requested just short of \$1 million to “create a national government services standards program to provide guidelines for which the efficiency of government services can be compared.”

I reserve the balance of my time.

Mr. CULBERSON. I rise in opposition to the gentleman’s amendment.

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

Mr. CULBERSON. Mr. Chairman and Members, funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. On a bipartisan basis, we have scrutinized thousands of Members’ requests and recommended funding for those projects that the committee believes are most meritorious. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee. I urge my colleagues to oppose this amendment.

I yield such time as he may consume to the gentleman from Florida (Mr. POSEY).

Mr. POSEY. I thank the gentleman from Texas for yielding, and I want to thank our good friend, the Congressman from Arizona, for filing this well-intentioned but badly misguided amendment. It's not often that Members of Congress get the opportunity to specifically vote to make government more accountable. By defeating this amendment, you will have done that. You will have cast a vote, a stand-alone vote to make government more accountable.

The amendment strikes funding for a government accountability program known as the Activity-Based Total Accountability Institute. Government accountability is not a partisan issue. Thank goodness it's a bipartisan issue. The Florida legislature established this Activity-Based Total Accountability Institute on a strong bipartisan vote. In fact, it was a unanimous vote of the State legislature. And I am proud to point out that eight Members of the current Congress, Republicans and Democrats, supported this legislation when it was first passed by the Florida legislature. Those Members include the likes of outstanding congresspeople, Representative WASSERMAN SCHULTZ, Representative KENDRICK MEEK, Representative GINNY BROWN-WAITE, Representative MARIO DIAZ-BALART, Representative RON KLEIN, Representative SUZANNE KOSMAS, Representative CONNIE MACK, Representative ADAM PUTNAM and Representative GUS BILIRAKIS. We joined together in a bipartisan fashion because we know we need a greater accountability in government and in how taxpayer dollars are being spent, and this was a way to accomplish that.

I think we can accomplish much when we come together and reach across party lines for greater accountability and for the most efficient use of taxpayer dollars. That's why we did this; and that's what we did when we passed it; and hopefully that's what we will continue to do here today.

Activity-Based Total Accountability has been proposed as model legislation by the American Legislative Exchange Council, the Nation's oldest and largest bipartisan and nonprofit association of State lawmakers. Also the National Conference of State Legislators recommended that it be model legislation in each and every State. In fact, ALEC called it "the best legislation to come out of any State capital in over a decade." If you support better government accountability, you should vote against this amendment, obviously.

Activity-Based Total Accountability helps us better understand unit-based accounting—what it does, what it costs the government to accomplish a certain task, how does that compare on a State-by-State basis. That's what ABTA tells decision makers, and that's what it tells the public. It's the most useful kind of cost accounting which

presents the cost for all government activities in a format anyone can understand. Taxpayers can see line by line what government actually accomplishes with its resources.

Florida put \$750,000 into the establishment of the institute to gather budget data from every State. The comprehensive analysis of apples to apples will help every State spend its resources more efficiently and the Federal Government's as well. Defeating the amendment will allow the program to continue, and I would respectfully request that you join me in voting "no" on the amendment.

Mr. CULBERSON. If the gentleman will yield, I think it's important to point out—and I want to say that I share my colleague Mr. FLAKE's zeal for trying to cut spending and control spending. I know Mr. POSEY shares that concern. We all, as fiscal conservatives, are committed to controlling spending. But under the rules that this liberal majority has established, under their PAYGO, this bunch thinks that to cut taxes increases the deficit; and therefore, under the rules of this House, it is forbidden, essentially, to cut taxes and impossible to cut spending.

□ 1630

So, even if Mr. FLAKE's amendment were passed, the money that he is reducing, \$100,000, would churn right back in to the appropriations bill to be spent elsewhere. I know that aggravates Mr. FLAKE as much as it does me.

We have to reform the budget process. We have to be able, as fiscally conservative Members of Congress, to get up on this floor and offer cutting amendments that actually cut spending. But the game is rigged against taxpayers. Taxpayers are the losers in the way the rules of the House operate. And it is just not right.

Now, Mr. POSEY has got a very worthwhile project here in his own district, and that is something that he believes in his heart works. I join in opposing this amendment, but I would ask the Members to help us reform the budget process so we can actually cut spending and cut taxes.

Mr. FLAKE. I thank the gentleman from Texas for his comments. I think if we could bottle up all the shared zeal to cut spending, then maybe we could pass one of these amendments to cut spending.

The gentleman points out that we are not cutting it, and that year after year, when those of us who want to come down here and strike funding for earmarks want to do it, we receive objection from those on the Appropriations Committee to say, well, you're not really saving anything because it will go right back into there.

But you can go and lower the 301(b)s and (a)s, and you can do it the way you want to, but maybe, just maybe the reason the Appropriations Committee, on both sides of the aisle, unfortunately, and it pains me to say this as a Republican, but part of the reason you

don't see the Appropriations Committee very anxious to cut spending is because of this. When you look at 70 percent of the dollar value of the earmarks being associated with Members who make up less than 24 percent of the body, if you take the Appropriations Committee, it is less than 14 percent of the body, and more than half of the dollar value of earmarks goes to just 14 percent of the body.

So I have to take with a rather large grain of salt the lamenting year after year after year by appropriators on both sides of the aisle that we can't cut this earmark spending because that darn money will just go right back into the system. So we can change any time we want.

I should say, also, this amendment made in order here will cut the funding and reduce it in the bill by the same amount. And to hear the excuse that we simply can't do that—and also this is something called activity-based total accountability, and the sponsor says that the purpose of the earmark is so that we can have more transparency in our funding structures at the State and local level. I find it ironic that we are using the least accountable system for distributing funds in order to increase transparency somewhere else.

At some point, we are all going to scratch our heads and say, wouldn't it be better when we are running at what could be a \$2 trillion deficit this year to actually save the money and not spend it and concede to the taxpayers we can't continue to go on this way? But simply to say we can't cut these earmarks because, oh, that money will just go somewhere else, really, is a bit, it is just—

Mr. CULBERSON. Will the gentleman yield?

Mr. FLAKE. For 15 seconds. I think I have heard this before.

Mr. CULBERSON. We tried in committee, Jeff. Mr. LEWIS, the ranking member, offered an amendment in full committee to cut the overall spending levels in the Appropriations Committee, and we were defeated by the liberal majority. So we have made the effort. We are trying. And we are doing it at every opportunity. The frustration is your amendment won't save any money. I join you in wanting to cut, but this won't do it.

Mr. FLAKE. Reclaiming my time, we were in control for 6 years while I have been in this Congress, and we didn't make any effort to do that. That is the unfortunate thing. And we haven't done any better under the current leadership. But, unfortunately, we didn't send a very good example when we were in charge because we could have, at any time, ensured that the money went back to the taxpayer. But we didn't.

With that, I urge adoption of the amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Commercial Kitchen Business Incubator project of the El Pajaro Community Development Corporation in Watsonville, California, and the amount otherwise provided in such section is hereby reduced by \$90,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. Objection being heard, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Is the gentleman sure he doesn't want to just reserve the right to object until he hears which amendment I have?

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

Mr. FLAKE. All right. This amendment, I would submit, the modification would be to allow the school choice initiative to continue in D.C., again, a bipartisan amendment offered to the Rules Committee, rejected by the Rules Committee, because the Democratic leadership decided that this House should not debate the topic nor vote on it.

We have the time. It is not an issue of time. I'm willing to forgo one of my amendments to allow this one to be offered. But, again, the House leadership has decided they don't want to debate nor vote on this amendment, and so we are not allowed to.

We are breaking tradition that has held for decades and decades and decades in this House in order to simply shield Members or shield parties or

whatever from votes that might be taken in the body. And that is unfortunate.

This amendment would prohibit \$90,000 in funding for the Commercial Kitchen Business Incubator in Watsonville, California, and would lower the overall cost of the bill by a commensurate amount. According to the sponsor, the funding would be used for a small business incubator for food service microenterprise. Specifically it would be used to purchase industrial kitchen equipment.

With that, I reserve the balance of my time.

Mr. FARR. I rise in opposition to the amendment.

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

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment. And let me explain, as others have explained the situation. Pajaro Valley is in the central part of California. It is probably the most agriculturally productive area in the region and in the whole Nation. It is also the epicenter for the Loma Prieta earthquake in 1989. It was the largest plant closure for food processing plants, and it now has an unemployment rate of over 25 percent.

We have been struggling for many years to try to get involved in how do you create businesses, create new businesses, create businesses that people who have no capital, have no ability to go out and borrow money can start. And a lot of that is cottage industry. One of the cottage industries is the catering business, areas where you learn to be chefs at restaurants, learn, particularly with all of our specialty crops and organic crops, how do you take those crops and move them to the next stage. It is also a struggle because in order to do that and to get into the commercial world, you have to have a commercially licensed kitchen.

So we have been struggling. The local community is very involved in this. Local businessmen sit on the board of directors of the community development corporation. This is a corporation set up under Federal law. Under the small business development corporations, you have bankers sitting on this, you have business people sitting on it, and you have lawyers sitting on it. And what they do is they work with people in giving them the skills they need to go into business for themselves.

Part of that is to build a place where you can come and learn all of this food processing and food cooking. You need to have a kitchen. It needs to be industrialized. It needs to be certified. You just can't run a business out of the back of your home. It is just not legal in a residential area to start a commercial enterprise like that. It has strong backing from the small business community. This is a one-time expenditure, never to be done again.

I really have to say that I object to going after the poorest of the poor who want to get on their feet, who want to

get off welfare and have that American Dream. And this is one area, one niche, that everybody has identified as a niche that needs to be filled. So I think this amendment would kill the American Dream. I suggest that you oppose it.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman. I respect the gentleman from California. He and I have worked together on a lot of legislation.

But in this case, I would simply say there are a lot of areas in the country that are hurting. In California, El Centro has an unemployment rate of 27 percent. Just across the California border in Arizona, Yuma has an unemployment rate of 20 percent. There are a lot of people hurting in a lot of places. But when I hear the gentleman say this is going to be a one-time expenditure, we have heard that before. We have heard that many, many times before. I'm sure some of the earmarks that we talked about earlier, the first year the Member got the earmark, he would have said, this is going to be a one-time expenditure. And yet year after year after year, we are funding the same earmark.

These business incubators are particularly prone to repetitive earmarks over the years. We seem to keep funding them again and again.

Again, let me say that there are a lot of business incubator services provided by chambers of commerce, trade associations and private sector organizations just wishing to supply services and to make a dollar. And yet now they are going to be asked to compete with a government entity that is receiving Federal largesse. And it simply doesn't work very well. We know we don't have sufficient money to spread around to everybody who wants it. We are running a deficit that could approach \$2 trillion. So we have to prioritize here. I would suggest it is time to say that we can no longer fund these business incubators that have kind of a nebulous mission that is provided by a lot of private sector organizations around there.

I reserve the balance of my time.

Mr. FARR. There is absolutely no competition with the private sector. They have endorsed this. They are the members of the board of directors. They are trying to assist this community to get on its feet. And why I take umbrage with this, there are 201 earmarks in this piece of legislation. The author of this amendment has chosen 11 to go after. And they are about attacking poor people, the poorest of poor. That is what incubator centers are about, to get people on their feet, people who can't get loans, can't get access to the capital that the normal business community can do. And who is helping them? The business people who say, yes, we need these jobs. These are niche jobs that are unfilled.

If you're going to begin the entrepreneurial spirit in America, then you

have to get people into the entrepreneurial capability. That is legal. That is fiscal. And that is what this does.

So I object to the fact that you have gone through this bill and only picked out 11 of 201 earmarks, less than 10 percent of this bill. If you want to attack earmarks, attack an F-22. Attack something that is big that really saves some money, instead of something that attacks poor people.

Mr. FLAKE. I thank the gentleman. I hope I have the opportunity, because I will offer an amendment to the Defense Appropriations bill to stop funding the F-22. The gentleman has a good point. But we should also make the point that we cannot continue to pick and choose winners and losers here. What we are doing is borrowing money from our kids and our grandkids all around the country. We are borrowing money from small businesses and others because we simply don't have the money here. We are running a deficit.

So what we are doing is selling bonds to finance the deficit that is going to have to be paid back at some time. We are saying, Mr. Small Businessman or Mrs. Small Businesswoman, we are going to take money from you now because we think we know how to spend it better on that business over there or on that incubator over there.

I would submit that that simply is not the most efficient use of resources. The market would tell us that is the most inefficient way to allocate money. Government doesn't do a particularly good job of allocating money, allocating money to startup businesses or anything else. So we have got to say "stop" somewhere.

I will be glad to support some of the programs that the gentleman has, some of the amendments to cut big items of spending from our entitlement programs and elsewhere. But we have got to do that, and we have got to do this. We can't let any program go and simply say that we are not going to cut spending when we have a deficit of nearly \$2 trillion.

With that, Mr. Chairman, I would urge support of the amendment.

I yield back the balance of my time.

Mr. FARR. Mr. Chairman, this amendment doesn't save the Federal taxpayer one penny. It just takes it out of the earmark and puts it into the general fund. This earmark is to help the poorest of the poor get on their feet.

I recommend a strong "no" vote on this amendment.

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

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

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

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

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-208.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Defense Procurement Assistance Program of the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by \$125,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

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

Mr. FLAKE. I thought the seventh time might be the charm, but apparently not. Apparently, the majority party is insistent that it only hear the amendments that it wants to have debated and that it wants to vote on, rather than the amendments that the Members here decide what they want to debate and vote on.

It is unfortunate. I would have substituted the amendment that would prohibit union activity on government time. It seems to be a simple concept, not controversial. But it is apparently one that the leadership did not want to debate nor to vote on. It is not an issue of time. Time constraints are already here.

□ 1645

The only issue is the majority leadership decided they don't want to debate or have a vote on this issue.

This amendment would prohibit \$125,000 from going to the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and reduce the overall cost of the bill by a commensurate amount. This funding would go toward the EGC's defense procurement and assistance program to, according to the sponsor, provide small and medium-sized business with additional support for all phases of the government contracting and acquisition process.

I reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

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

Mr. SERRANO. The Economic Growth Connection of Westmoreland operates a Defense Procurement Assistance Center to serve two counties in southwestern Pennsylvania having a combined population base of 500,000 and combined workforce of over 257,000. The Economic Growth Connection is dedicated to growing small business and making local firms more competitive. This particular project, the Defense Procurement Assistance Program, advances these goals by: Offering assistance to small businesses on how to work with the DOD, including assistance with Federal Acquisition Regulations and workforce training; acting as a liaison between prime contractors and local suppliers to identify opportunities for subcontracting; conducting seminars to enhance the skill sets of the local workforce in this supply chain, including workshops on military certifications, process improvements, and quality assurance; and developing a manufacturing database to identify local companies and their capabilities. This database lists over 800 companies employing an estimated 48,000 people. And over the last 3 years, clients have been awarded on average \$40 million each year in procurement contracts.

This is a worthy project. And I think it should be retained.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, to be honest, I'm not sure how much more help southwestern Pennsylvania needs in the way of defense procurement assistance. And I'm not sure how much more the taxpayers in this body can actually afford.

According to usaspending.gov, the district in which the Economic Growth Connection of Westmoreland appears to reside has benefited from nearly \$1.4 billion in Federal contracts from 2004 to 2009, hardly the poorest of the poor. The Army, Navy, Air Force and Defense Logistics Agency make up four of the top 10 contracting agencies, and more than 60 percent of these funds were not subject to full and open competition.

Similarly, usaspending.gov indicates that the district of the sponsor of this earmark has benefited from more than a billion dollars in Federal contracts from 2004 to 2009, with less than half available for everyone to compete for.

Among the list of contractors receiving these funds, according to usaspending.gov, are many that we've come to know very well, all too well: Kuchera Defense Systems, Argon ST, KDH Defense, and Concurrent Technologies. Kuchera Defense Systems. That is a defense contractor for whom the sponsor of this earmark requested funding over the past 2 years, was raided by the FBI in January, suspended by the Navy, reported for "alleged fraud," including multiple instances of incorrect charges, along with allegations of defective pricing and ethical violations.

Argon ST has been in the news lately because it purchased Coherent Systems International in 2007. It has been reported that the former head of Coherent Systems pled guilty in Federal Court Tuesday, just this last Tuesday, to a kickback scheme and defrauding the U.S. Air Force.

KDH Defense also made headlines when Roll Call reported that the bulletproof vest company received millions of taxpayer dollars to build a sonar system that it had no experience to design.

Concurrent Technologies has long been the focus of defense earmark critics. For example, at the end of 2007 the Washington Post highlighted that the National Defense Center For Environmental Excellence that was managed by Concurrent had received more than \$600 million in funding, and that little of the center's work had been useful to the Department of Defense.

How long can we continue to provide defense-related procurement dollars for an area with so many organizations that have been associated with conduct that I think people in this body would say are certainly not deserving of more earmarks? Yet we're doing it here again.

How much longer are we going to do this, Mr. Chairman?

With that, I reserve the balance of my time.

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

Mr. FLAKE. It shouldn't surprise anybody that several of these companies in this area were clients of the PMA Group, a now defunct lobbying firm that specialized in obtaining defense earmarks for its clients. Since PMA was raided by the FBI and closed its doors, multiple press reports have noted questions related to campaign contributions made on or behalf of the firm, including questions related to straw man contributions, reimbursement of employees for political giving, pressure on clients to give, suspicious pattern of giving, and the timing of donations related to legislative activity. So here we are, yet again, with another defense-related earmark for an area that has received billions in defense spending that has previously been associated with contractors that have run into trouble, and a lobbying group that has cast a long shadow over this House.

I urge my colleagues, if we're going to step up at any time, and say, enough is enough, let's step up here. For an earmark for \$125,000 to going to help in defense procurement for an area that receives billions and billions of dollars in defense procurement.

When is enough enough, Mr. Chairman?

I ask for support of the amendment, and I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 15 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 15.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Myrtle Beach International Trade and Conference Center of the City of Myrtle Beach, South Carolina, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. Hearing objection, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. This is, I believe, number 8 times the majority has objected to simply substituting an amendment that was not ruled in order by the Rules Committee, an amendment that was germane. This particular amendment was one that would have protected broadcaster freedom to make sure that talk radio stations around the country and other media organizations would not be subjected to new regulations which would try to control their content. This amendment passed last year by a margin, I think, 309 votes in favor. Yet, it's one that the majority party did not want to hear debated, or did not want to see a vote on, and despite the fact that it has bipartisan support.

Again, Mr. Chairman, we can't continue to go down this road, having martial law on appropriation bills and simply saying that we're going to decide, as a majority party, the majority leadership, which amendments can be offered, which ones can be debated.

This particular amendment would prohibit \$100,000 from being used to expand the Myrtle Beach International Trade and Conference Center in Myrtle Beach, South Carolina. It would reduce

the overall cost of the bill by a commensurate amount.

According to the Myrtle Beach Area Chamber of Commerce, the Myrtle Beach Convention Center hosted over 500 groups in 2008, has an economic impact of more than \$55 million per year. It was the host site of the 2008 South Carolina GOP Presidential candidates debate. It draws a large number of civic and public events.

Why in the world are we spending another \$100,000, when we have nearly a \$2 trillion deficit, for a convention center, convention and conference center? There are convention and conference centers all over the country. There are many in my home State of Arizona. Why we should choose one and say they're worthy of an earmark and the other one isn't, and saying that they shouldn't compete for dollars, we're just going to hand them out.

I reserve the balance of my time.

Mrs. EMERSON. I rise in opposition to the gentleman's amendment.

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

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House, and the Small Business Administration was given an opportunity to vet this project, and provided the committee with no negative feedback regarding the project or the grantee. Therefore, I urge my colleagues to oppose this amendment.

I yield to Mr. BROWN of South Carolina.

Mr. BROWN of South Carolina. Mr. Chairman, I rise today to speak against the amendment offered by my friend from Arizona. I am proud to represent coastal South Carolina. I know that the economy of Myrtle Beach is suffering, and jobs are being lost every day.

The tourism industry is the number one industry in the Myrtle Beach region, and the lifeblood of the surrounding area. The Myrtle Beach International Trade and Conference Center is an important part of that industry, with local economy impact of over \$55 million every year. However, it has reached capacity, limiting its ability to attract major conventions. In light of this, the community has embarked upon a multiyear effort to expand the Center, funded through a mix of local and other dollars.

Not only will improvements to the Center assist in attracting national conventions to Myrtle Beach, which will result in more good-paying jobs for the region, but it also serves as the emergency command center for the city of Myrtle Beach in the event of a hurricane or other types of national disasters, which is why this project has received past support from the Department of Homeland Security.

Horry County is one of the hardest-hit counties in South Carolina during this recession, and I am proud to do everything I can to assist my district to

create jobs and improve the quality of life of my constituents.

Mr. Chairman, I would submit, for the RECORD, a letter from Myrtle Beach Mayor John Rhodes, as well as a letter from the Myrtle Beach Chamber of Commerce, detailing why this funding is needed and how it will be spent.

Mr. Chairman, I urge my colleagues to vote "no" on the Flake amendment No. 15.

MYRTLE BEACH AREA
CHAMBER OF COMMERCE,
Myrtle Beach, SC, July 15, 2009.

Hon. HENRY BROWN,
*House of Representative,
Washington, DC.*

DEAR CONGRESSMAN BROWN: I am writing to thank you for your efforts to secure federal funds for the expansion of the Myrtle Beach Convention Center. In particular, I thank you for seeking \$100,000.00 in the current legislation moving through Congress. Your support of this important project is greatly appreciated.

The expansion project, once underway, will create hundreds of jobs in our area. With our unemployment rate reaching record levels, we desperately need more jobs and this project will help us accomplish that objective.

Once complete, the expanded convention center will attract more groups and thousands of visitors to the area, boosting tourism and creating jobs. Since tourism is the key cornerstone to our local economy, we simply must find ways to grow the economic base and create more jobs. Because the convention center is so important to our economy today, an expanded convention center will undoubtedly create new jobs in our local community.

We appreciate your past support of expanding the Myrtle Beach Convention Center and urge you to continue to seek funding for this important project. Your leadership is crucial to this project and I hope you will continue to press forward on this project.

Thank you for all you do to lead South Carolina and the First Congressional District.

With warmest regards, I am,
BRAD DEAN,
President.

CITY OF MYRTLE BEACH,
OFFICE OF THE MAYOR,
Myrtle Beach, SC, July 15, 2009.

Hon. HENRY BROWN,
*House of Representatives,
Washington, DC.*

DEAR CONGRESSMAN BROWN: I understand that you will head to the floor tomorrow to defend the \$100,000 that you have requested for the Myrtle Beach Convention Center. I want to first thank you for your continued support for this project.

Not only will an enhanced convention and trade center create jobs in Horry County, which is one the state's leaders in unemployment (not something that we are proud of nor happy about), but will further enhance overall tourism to the Grand Strand, which in turn will help create jobs.

While I have the opportunity, I wanted to give you a quick update on the expansion. The property has been purchased and a needed expanded parking lot has been completed. Designs are now underway for the performing arts portion of the structure which will be around 30,000 sq ft. City Council is ready to issue bonds for that construction as soon as design is completed and bid. The program work is ongoing for the further expansion of 100 to 150 thousand sq ft. The design team and center staff just completed a whirl-

wind tour of facilities in three states to get ideas of what is working and not working in other facilities. There is a lot of work ahead of us, but this facility plays a huge role in the multi-billion dollar tourism economy for the Grand Strand and the State and the expansion thereof is critical to us.

Thank you again for all of your support.

Sincerely,

JOHN T. RHODES,
Mayor.

Mrs. EMERSON. I yield 3 minutes to my good friend, Mr. CULBERSON from Texas.

Mr. CULBERSON. Mr. Chairman, the budget deficit this year, this week, for the very first time in history has exceeded \$1 trillion. The national debt is now over \$12 trillion.

The liberal majority that controls this House, passing the energy tax just before the Fourth of July break, the biggest tax increase in the history of America, the liberal majority that controls this House, passing this "spendulus" bill in a single shot, more money than is spent by the entire annual budget of the United States. We are on the brink—this liberal majority that controls the House has taken over the automobile industry, the insurance industry, the banking industry. They're on the brink of taking over the health care industry. And by the way, Business Investors Daily reports today, the health care bill will make it illegal to even buy private insurance.

This is the most massive expansion of government in the history of the United States. This Congress has spent more money in less time than any Congress in history, is about to raise taxes more than any Congress in history.

We are on an unsustainable path for the future of this Nation. It's vitally important for us to control spending. No new taxes, no new spending, no new debt. That's very simple. Yet, the game, the rules of the House are rigged against the taxpayers.

Even if every one of Mr. FLAKE's amendments were adopted, even if every amendment offered on the floor to cut these earmarks were adopted, taxpayers won't save a dime.

Imagine sitting down to a game of chess, and even if you think you've got checkmate you don't, because the rules are rigged against you. The rules of this House are set up in such a way by the liberal majority that on a spending bill, it's impossible to cut spending. You've got to cut another bill, the budget bill, and reduce what's called the 302(a) overall spending level, which can't be done on this bill.

□ 1700

On the tax bill, you can't cut taxes. It's forbidden to cut taxes under the rules of the way this bunch runs the House. Their game is rigged against the taxpayers, and that's my greatest frustration.

First of all, each Member of this House, no one will do a better job of representing the people of South Carolina than my good friend, Mr. BROWN, and he publishes his request on his Web

site. This is all done in a very transparent and open way. All of us are accountable to our constituents about the way we run our office, but it is time for the American people to stand up and demand that the rules be rigged in favor of the taxpayers.

I'm sick and tired of this Congress spending money that our kids don't have, of rigging the game or the rules of the game so that we cannot cut taxes, so you can't cut spending. This is a charade. It's not right. It's wrong for our kids, and it's time to cut spending, cut taxes, and quit driving up the national debt.

Mr. FLAKE. If the gentleman would continue in that vein, I would give him more time. I even got a bit of whiplash here. I thought the gentleman was arguing to not spend another \$100,000 on Myrtle Beach, the convention center attached to the Myrtle Beach hotel, the Sheraton.

Mr. CULBERSON. Would the gentleman yield? I would be glad to engage in a debate.

Mr. FLAKE. If the gentleman is in support of the amendment, I would yield. If not, please don't say any more.

My frustration was we were in the majority for the first 6 years I was here. There were a lot of the same Members of the same appropriations committee. We could have cut the 302(a)s, but we didn't. And now we have appropriators now in the minority party blaming the appropriators in the majority party for doing what we should have done a few years ago.

So it all seems to me to make sense when you see a chart like this, that explains the spoils system that earmarks really are, when 70 percent of the dollar value of earmarks go to just 24 percent of the House, and when less than 14 percent of the House gets well over 50 percent of the dollar value overall of earmarks.

So I have to say we have to start somewhere, and if we can't start by saving \$100,000 for the Myrtle Beach conference center, I don't know where we can start. I really, really don't.

So I would just urge my colleagues, if we say that we're fiscally responsible, then show it instead of standing up and saying, Hey, we need to cut spending, but first before we cut spending we've got to spend another \$100,000 on the Myrtle Beach Convention Center. I think the taxpayers have heard that for far too long, when we were in the majority and now with the new majority. At some point, we're going to have to say we're not going to do this anymore. That's what we're attempting to do with this amendment. I would urge support of it.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 16 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FLAKE:
At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Tech Belt Life Sciences Greenhouse project of the Pittsburgh Life Sciences Greenhouse in Pittsburgh, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

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

Mr. SERRANO. Would the gentleman yield?

Mr. FLAKE. For the purpose—the gentleman has time, I believe.

I will yield the gentleman 30 seconds.

Mr. SERRANO. I just wanted to know if there was a time during this debate where you were going to show any gratitude to the Rules Committee for the fact that of the 17 amendments you got 11?

Mr. FLAKE. I have said from the beginning I'm grateful for the amendments I get. But the vote on my amendments typically has all of the excitement and drama of a Cuban election where we know the outcome, unfortunately, and it serves as a useful purpose for the majority party.

I'm grateful for the amendments I get. I guess you have to be grateful and express gratitude for the benevolence of the majority party for granting me a few amendments on a bill that has traditionally come to the Congress under an open rule.

If that's what we've come to in this House, to just express gratitude for the crumbs that fall from the table in terms of being allowed to offer amendments on appropriation bills, I hope we haven't come to that but, Mr. Chairman, I'm starting to wonder.

I would like to have offered an amendment to substitute for one of mine that would—again, this would be for the D.C. School Choice Initiative, to allow it to continue, to allow students to have the choice of where they go to school, but we're denied once again.

This amendment would remove \$100,000 in funding for the Pittsburgh Life Sciences Greenhouse, Tech Belt Biosciences Initiative and reduce the cost of the bill by the commensurate amount.

This earmark states that the funding will be used for the creation of a Biosciences Tech Belt, and I am anxious to learn what that is.

I would reserve the balance of my time.

Mr. DOYLE. Mr. Chairman, I rise to oppose the amendment.

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

Mr. DOYLE. The goal of this project is to promote partnerships between various biotech industries and encourage growth in biosciences.

Pittsburgh Life Sciences Greenhouse is a private-public partnership that provides entrepreneurial life science enterprises in Pittsburgh and western Pennsylvania with the resources and tools they need to make global advances in research and patient care.

Both Pittsburgh and Cleveland are hubs of innovation and entrepreneurship. There are currently 800 companies in the biosciences sector employing more than 25,000 people in this tech belt region. This project will foster growth in the biotech sector by linking companies between the two cities.

Pittsburgh Life Sciences Greenhouse has worked with companies in over 20 counties throughout western Pennsylvania since its inception in 2001. Due to their extraordinary work, 14.5 million has been committed in over 60 companies which have leveraged over \$300 million in additional funding from venture capitalists and angel investors. 228 companies have been launched or grown using Pittsburgh Life Sciences Greenhouse services. Over 300 jobs have been created or retained in the Pittsburgh Life Sciences Greenhouse-invested companies.

The Tech Belt Biosciences Initiative takes these activities to the next level by creating, with its counterpart in Cleveland, an organization called Bio-Enterprise. Together, Pittsburgh and Cleveland pull in \$1 billion in combined NIH research dollars which can spin off hundreds of companies and, in turn, create jobs.

The Tech Belt Biosciences Initiative is designed to maximize this tremendous opportunity to improve public health, generate economic growth in a region in need of jobs, and ultimately make the region an international destination for biosciences and high-tech innovation. Promoting such growth and development not only benefits the State of Ohio, but the State of Penn-

sylvania and the entire country as a whole.

It's now my pleasure to yield 2 minutes to my friend from Pittsburgh (Mr. ALTMIRE).

Mr. ALTMIRE. I understand what the gentleman from Arizona is doing here. He was going through the earmarks, as he does, and somebody needs to do that to make sure that they're all on the up-and-up. He saw the word "greenhouse" and he said, Why are we giving \$100,000 to a greenhouse in Pittsburgh?

Well, what this is is the Pittsburgh Life Sciences Greenhouse. We in Pittsburgh have the University of Pittsburgh Medical Center. We have Carnegie Mellon University. We are partnering with Cleveland, as Congressman DOYLE just talked about, where you have the Cleveland Clinic and Case Western Reserve.

So we have literally thousands of life science biotech startups throughout the region that are doing great work, that are creating jobs, that are growing the economy. And when you heard the word "greenhouse," that's what that's about. We're growing the economy in western Pennsylvania and northeastern Ohio. And this relatively modest investment that we're making through this earmark is going to fund an organization that has promoted 80 different venture capital firms that have directly funded 60 different companies through the initiatives that we're talking about.

So it attracts private investment, angel investors, and venture capital firms that otherwise would not be involved in the Pittsburgh and Cleveland technology corridor, which has suffered with job losses because of trade agreements and because of the down economy over the past several years. And what we've done here is put together a group that's going to attract outside investment to capitalize manyfold above and beyond the relatively modest investment that we make here.

And we are talking about an organization that just directly through this Pittsburgh technology belt, Pittsburgh-Cleveland Tech corridor, has grown 400 jobs and generated \$300 million in venture capital and angel investment.

So I think this is a very worthwhile investment that we can make to grow the economy, and Pittsburgh has weathered the storm very well. What we're talking about today has resulted in the fact that Pittsburgh has an unemployment rate that's below the national average.

Mr. DOYLE. Mr. Chairman, I would like to yield any remaining time to our friend and colleague from Ohio, Mr. RYAN.

Mr. RYAN of Ohio. I want to thank the gentlemen from the Pittsburgh area.

This is a great investment for our community to pull these two, Cleveland-Youngstown-Pittsburgh corridor together.

And I would just like to remind the gentleman from Arizona, as I have before and will continue on every amendment, his congressional district, Mr. Chairman, wouldn't even exist. You in Arizona, it's a desert. All of the water lines, all the sewer lines, the \$7 billion Central Arizona Project was paid for by the taxes of the steelworkers in Pittsburgh. We helped build the West, our area, and now we're saying we need to retool our economy.

And I think it is imperative for everybody in this House to know, we're all Americans here. And so to take investment during the 1950s and 1960s to build the West and then have a Member of Congress come before us here living in the largesse, spreading water into the desert so they can have nice golf courses, and come tell two Members of Congress from Pittsburgh, Pennsylvania, that are trying to retool their economy that somehow this is a bad use of Federal money, I have an answer for this.

Why don't we send the State of Arizona a bill for the \$7 billion that built the Central Arizona Project, that sent all of these water lines and sewer lines and public investment out there. Maybe we should ask for that money back and put it towards deficit reduction.

Mr. FLAKE. Well, that was an interesting recitation of western history, I will tell you that, but this tech belt was created 2 years ago. The CEO of Pittsburgh Life Sciences Greenhouse and the CEO of BioEnterprise, Cleveland, decided to collaborate and leverage the existing resources in Pittsburgh and Cleveland, and this tech belt initiative was born.

But this is an interesting quote. I want everyone to hear this. John Manzetti, the CEO of Pittsburgh Life Sciences Greenhouse said the objective of the tech belt was to "create some excitement and get funding from the Federal Government" to build up their regions. It's been successful at that. Believe me. There's a lot of money that has gone in Federal earmark money, that's for sure.

According to the press release of the sponsor of this earmark, in this year's omnibus appropriation act alone, his district received \$55 million in Federal funding from earmarks. That's just in the omnibus bill itself.

May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FLAKE. I will yield to the gentleman from Pennsylvania. The gentleman from Pennsylvania wanted to speak on a previous earmark, and I will yield him the last minute I have here.

Mr. TIM MURPHY of Pennsylvania. With regard to Flake No. 14 amendment, I want to let my colleagues know that the economic growth connection of Westmoreland County located in Greensburg is actually a very valuable resource to manufacturers in helping to keep the local employees,

especially at a time when we are struggling with our economy.

The funding for this will be used for small and medium-sized businesses and give them some additional support they otherwise would not be able to afford in helping small manufacturers compete with large firms to gain defense contracts and other jobs.

It helps them find building and maintenance databases that showcase the unique capabilities they have. It helps them locate places for their manufacturing to take place. It provides several services that otherwise these businesses would have to, at a much larger expense, hire someone to take care of. It provides jobs. It provides help.

And I hope my colleagues, in response, will oppose that amendment and help preserve some jobs in the area.

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

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

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

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

AMENDMENT NO. 17 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk, No. 17, my final amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 "Small Business Administration—Salaries and Expenses" shall be available for an infrastructure expansion project to promote small business of the City of Loma Linda and the City of Grand Terrace, California, and the amount otherwise provided in such section is hereby reduced by \$900,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent, for the 11th time, that my amendment be modified in the form at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

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

□ 1715

Mr. FLAKE. I wish we could have modified the amendment. I would have,

again, submitted the Broadcaster Freedom Act to allow us to limit funding to the FCC so that they wouldn't be able to restrict broadcaster freedom across this country, but I wasn't allowed one more time.

I'd like to yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Chairman, I've been sitting in my office watching this debate, and I am absolutely astounded that the general criticism of the gentleman from Arizona appears to be that his amendments appear to be of really no consequence, why are you nitpicking, going after different earmarks. And yet the gentleman has on 11 occasions, I believe, asked to be able to substitute what no one could disagree with, that is, that there would be serious substantive amendments that would go to consequential issues that this House should be given an opportunity to vote upon.

And yet because of the actions of the Rules Committee and the majority party, time and time again this gentleman has not been allowed to do that. And so the American people are being prohibited an opportunity to have their general membership in this House be able to make decisions.

I first came to this House in 1979. One of the things that was crystal clear at that point in time is when you had appropriation bills, every single Member, no matter whether they were a Member of the majority or minority side, had an opportunity to present amendments. Why? Because the power of the purse is the strongest weapon we have in the House of Representatives to be able to exercise the will of the American people, and yet time and time again we are being prohibited from doing that.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLAKE. I yield the gentleman an additional 15 seconds.

Mr. DANIEL E. LUNGREN of California. And yet the gentleman from Arizona is attempting to give us an opportunity to exercise our constitutional prerogative, to represent our constituents here, and we are being denied that time and time again.

Shame on this House.

Mr. FLAKE. This amendment would strike \$900,000 in funding for the City of Loma Linda, California, and the City of Grand Terrace, California, for an infrastructure expansion project to promote small business and reduce the overall cost of the bill by a commensurate amount.

The sponsor of this earmark states on his Web site these funds would be used to establish a fiber optic infrastructure expansion pilot program between the City of Loma Linda and the City of the Grand Terrace's new business park. The pilot program would demonstrate how updated and expanded Internet access can promote

small business, create jobs, enhance local competitiveness, on and on and on.

The sponsor says that this is needed because private loans are unavailable as a result of the credit crunch and this region would benefit from the use of Federal dollars as an initial investment for future expansions. Well, we have heard that song before. There is a credit crunch out there. No doubt every business across the country will tell you about it, but not every business can say I am going to grab \$900,000 in funding. Yet that's what we're doing here.

We're picking and choosing which cities and municipalities and which organizations can get these dollars rather than say, you know, Mr. Taxpayer, maybe you ought to keep that money and spend it yourself. We're going to have to increase taxes at some point to pay for this, and we're telling everybody out there just to live with it because we make better decisions here on business investments in the U.S. House than you do as a small businessman.

That's, in essence, what we're saying, and it's time that we stop that, Mr. Chairman. We can't continue to go on, and if we can't strike \$900,000 in funding for a project like this, then I don't know where we start. I really don't.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim the time in opposition.

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

Mrs. EMERSON. Mr. Chairman, funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee.

Unfortunately, Mr. LEWIS, the sponsor of the amendment, was unable to come to the floor due to other important business.

I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, we passed a milestone that probably we shouldn't be proud of. Just last week, I think, the Webster dictionary finally put the definition of "earmark" in its dictionary, not the traditional definition that I was used to as a kid on a ranch where you mark cattle, but rather, earmark as a designation of dollars from the Congress by a particular Congressman.

When we passed that milestone, I think we've probably gone too far. When it's in the lexicon so frequently that the dictionaries are now picking it up, the appropriators have been trying to find earmark in the Constitution for years without success. At least they will find it now in the dictionary. That's not something we should be proud of.

At some point we do have to stand up and say we've got to stop this when we

have thousands and thousands and thousands of earmarks in appropriation bills over the year and we can't seem to cut funding for one of them here. I don't know when we're going to cut funding. I don't know when we're going to get a hold of this deficit that we have unless we start somewhere, and I would suggest that we start here on this amendment.

Mr. LEWIS of California. Mr. Chair, I rise in opposition to this amendment. The item under consideration would meet the goals set by this Congress as part of our efforts to deal with the ongoing economic crisis. This measure is directly targeted to improving infrastructure and creating new jobs.

In an effort to keep the United States competitive in an increasingly high-tech world, Congress is committed to expanding technology-based job training and cutting-edge communications connectivity. Such efforts are evidenced in the broadband funding provided in the American Recovery and Reinvestment Act and funding for technology research and development in the Enhancing Small Business Research and Innovation Act of 2009. The benefits of such investment are evident in this project, known as the Connected Communities Program in the City of Loma Linda and the City of Grand Terrace.

California communities are facing some of the worst problems in the nation of public infrastructure funding and an economic crisis. The devastating effects of the mortgage crisis continue driving unemployment. In the last year, unemployment in my district has almost doubled from 6.7% to 12.9%, far surpassing the national average. The technology sector is one of the few bright spots—in my District, the number of jobs in technology and health care are projected to double in the next five years.

In an effort to capitalize on growth in the technology and health sectors, the Cities of Loma Linda and Grand Terrace began a comprehensive effort to connect homes, business and teaching institutions to a community-based advanced fiber-optic network. This program complements the national effort to upgrade connectivity infrastructure and promote creation of highly skilled jobs. From employing and training skilled network technicians to attracting cutting-edge small business, the network has successfully approached the national and local economic development goals. The program has stalled, however, and the communities are hard-pressed to find the funds to complete it. Credit markets and investment dollars have dried up because of the drastic economic downturn in Southern California. Small cities like Loma Linda and Grand Terrace have been especially impacted, and are faced with being unable to finance the very infrastructure that can help lead to economic recovery. This request will complete the program and provide fiber-optic connectivity to 95% of the community.

It is my belief that this proven program will play an integral role in the economic recovery of my District and southern California. I ask my colleagues to support the Connected Communities project and defeat this amendment.

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

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

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-208 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. PRICE of Georgia;

Amendment No. 4 by Mrs. EMERSON of Missouri;

Amendment No. 5 by Mrs. BLACKBURN of Tennessee;

Amendment No. 6 by Mr. BROUN of Georgia;

Amendment No. 7 by Mr. FLAKE of Arizona;

Amendment No. 8 by Mr. FLAKE of Arizona;

Amendment No. 9 by Mr. FLAKE of Arizona;

Amendment No. 10 by Mr. FLAKE of Arizona;

Amendment No. 11 by Mr. FLAKE of Arizona;

Amendment No. 12 by Mr. FLAKE of Arizona;

Amendment No. 13 by Mr. FLAKE of Arizona;

Amendment No. 14 by Mr. FLAKE of Arizona;

Amendment No. 15 by Mr. FLAKE of Arizona;

Amendment No. 16 by Mr. FLAKE of Arizona;

Amendment No. 17 by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 14, as follows:

[Roll No. 555]

AYES—146

Aderholt	Bartlett	Bishop (UT)
Akin	Barton (TX)	Blackburn
Alexander	Biggart	Blunt
Austria	Bilbray	Boehner
Bachmann	Bilirakis	Bonner

Jackson-Lee (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (NY)
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeback
 Lofgren, Zoe
 Lowey
 Luján
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McHugh
 McIntyre
 McMahon
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Michaud

NOT VOTING—17

Barrett (SC)
 Bordallo
 Braley (IA)
 Capito
 Carter
 Faleomavaega

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1749

So the amendment was rejected. The result of the vote was announced as above recorded. Stated against: Mr. BRALEY of Iowa. Mr. Chair, on rollcall No. 556, had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on rollcall Nos. 555 and 556, had I been present, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered. The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 8, as follows:

[Roll No. 557]

AYES—184

Aderholt
 Adler (NJ)
 Akin
 Alexander
 Altmire
 Arcuri
 Austria
 Bachmann
 Bachus
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Kirk
 Kirkpatrick (AZ)
 Kline (MN)
 Kratovil
 Lamborn
 Lance
 Larson (CT)
 Latham
 Latta
 Lee (NY)
 Linder
 Childers
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cooper
 Culberson
 Davis (KY)
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Driehaus
 Duncan
 Fallin
 Flake
 Fleming
 Forbes
 Fortenberry

NOES—247

Abercrombie
 Ackerman
 Andrews
 Baca
 Baird
 Baldwin
 Barrow
 Bean
 Becerra
 Berkeley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boccieri
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Brown, Corrine
 Butterfield

Etheridge
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Fudge
 Gonzalez
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Hall (NY)
 Halvorson
 Hare
 Harman
 Hastings (FL)
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Inglis
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson (E. B.)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 Kissell
 Klein (FL)
 Kosmas
 Kucinich
 Langevin
 Larsen (WA)
 LaTourette
 Lee (CA)
 Lee (VA)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 Loeback
 Lofgren, Zoe

Miller, Gary
 Mitchell
 Moran (KS)
 Murphy, Patrick
 Myrick
 Neugebauer
 Nunes
 Nye
 Olson
 Paul
 Paulsen
 Peters
 Petri
 Pitts
 Platts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Radanovich
 Rehberg
 Reichert
 Roe (TN)
 Rogers (AL)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Souder
 Stearns
 Sullivan
 Taylor
 Terry
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Upton
 Walden
 Wamp
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Young (FL)

Lowey
 Luján
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McMahon
 McNerney
 Meek (FL)
 Meeks (NY)
 Michaud
 Miller (NC)
 Miller, George
 Minnick
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Oberstar
 Obey
 Olver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Perlmutter
 Perriello
 Peterson
 Pierluisi
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Rogers (KY)
 Ross

NOT VOTING—8

Barrett (SC)
 Bordallo
 Faleomavaega

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1753

So the amendment was rejected. The result of the vote was announced as above recorded. Stated for:

Mr. INGLIS. Mr. Chair, on rollcall No. 557, had I been present, I would have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 282, not voting 8, as follows:

[Roll No. 558]

AYES—149

Aderholt	Gohmert	Olson
Akin	Goodlatte	Paul
Alexander	Granger	Paulsen
Austria	Graves	Petri
Bachmann	Guthrie	Pitts
Bachus	Hall (TX)	Platts
Bartlett	Harper	Poe (TX)
Barton (TX)	Hastings (WA)	Posey
Biggart	Heller	Price (GA)
Bilirakis	Hensarling	Radanovich
Bishop (UT)	Herger	Rehberg
Blackburn	Hoekstra	Reichert
Blunt	Hunter	Roe (TN)
Boehner	Issa	Rogers (AL)
Bonner	Johnson (IL)	Rogers (KY)
Boozman	Johnson, Sam	Rogers (MI)
Boustany	Jones	Rohrabacher
Brady (TX)	Jordan (OH)	Rohrabacher
Broun (GA)	King (IA)	Rooney
Brown (SC)	Kingston	Roskam
Burgess	Kline (MN)	Royce
Burton (IN)	Lamborn	Ryan (WI)
Buyer	Latham	Scalise
Calvert	LaTourette	Schmidt
Camp	Latta	Schock
Campbell	Lee (NY)	Sensenbrenner
Cantor	Lewis (CA)	Sessions
Capito	Linder	Shadegg
Carter	Luetkemeyer	Shimkus
Chaffetz	Lummis	Shuster
Coble	Lungren, Daniel	Smith (NE)
Coffman (CO)	E.	Smith (TX)
Cole	Mack	Souder
Conaway	Manzullo	Space
Culberson	Marchant	Stearns
Davis (KY)	McCarthy (CA)	Sullivan
Deal (GA)	McCaul	Terry
Dent	McClintock	Thompson (PA)
Dreier	McCotter	Thornberry
Duncan	McHenry	Tiahrt
Emerson	McKeon	Tiberi
Fallin	McMorris	Upton
Flake	Rodgers	Wamp
Fleming	Mica	Westmoreland
Forbes	Miller (FL)	Whitfield
Foxx	Miller (MI)	Wilson (SC)
Franks (AZ)	Moran, Gary	Wittman
Gallely	Moran (KS)	Wolf
Garrett (NJ)	Myrick	Young (AK)
Gerlach	Neugebauer	Young (FL)
Gingrey (GA)	Nunes	

NOES—282

Abercrombie	Buchanan	Dahlkemper
Ackerman	Butterfield	Davis (AL)
Adler (NJ)	Cao	Davis (CA)
Altmire	Capps	Davis (IL)
Andrews	Capuano	Davis (TN)
Arcuri	Cardoza	DeFazio
Baca	Carnahan	DeGette
Baird	Carney	Delahunt
Baldwin	Carson (IN)	DeLauro
Barrow	Cassidy	Diaz-Balart, L.
Bean	Castle	Diaz-Balart, M.
Becerra	Castor (FL)	Dicks
Berkley	Chandler	Dingell
Berman	Childers	Doggett
Berry	Christensen	Donnelly (IN)
Bilbray	Chu	Doyle
Bishop (GA)	Clarke	Driehaus
Bishop (NY)	Clay	Edwards (MD)
Blumenauer	Cleaver	Edwards (TX)
Bocchieri	Clyburn	Ehlers
Bono Mack	Cohen	Ellison
Boren	Connolly (VA)	Ellsworth
Boswell	Conyers	Engel
Boucher	Cooper	Eshoo
Boyd	Costa	Etheridge
Brady (PA)	Costello	Farr
Braley (IA)	Courtney	Fattah
Bright	Crenshaw	Filner
Brown, Corrine	Crowley	Fortenberry
Brown-Waite,	Cuellar	Foster
Ginny	Cummings	Frank (MA)

Frelinghuysen	Lujan	Ross
Fudge	Lynch	Rothman (NJ)
Giffords	Maffei	Roybal-Allard
Gonzalez	Maloney	Ruppersberger
Gordon (TN)	Markey (CO)	Rush
Grayson	Markey (MA)	Ryan (OH)
Green, Al	Marshall	Sablan
Green, Gene	Massa	Salazar
Griffith	Matheson	Sánchez, Linda
Grijalva	Matsui	T.
Gutierrez	McCarthy (NY)	Sanchez, Loretta
Hall (NY)	McCollum	Sarbanes
Halvorson	McDermott	Schakowsky
Hare	McGovern	Schauer
Harman	McHugh	Schiff
Hastings (FL)	McIntyre	Schrader
Heinrich	McMahon	Schwartz
Herseht Sandlin	McNerney	Scott (GA)
Higgins	Meek (FL)	Serrano
Hill	Meeks (NY)	Sestak
Himes	Melancon	Shea-Porter
Hinchey	Michaud	Sherman
Hinojosa	Miller (NC)	Shuler
Hirono	Miller, George	Smith (NJ)
Hodes	Minnick	Smith (WA)
Holden	Mitchell	Snyder
Holt	Mollohan	Speier
Honda	Moore (KS)	Spratt
Hoyer	Moore (WI)	Stark
Inglis	Moran (VA)	Stupak
Insee	Murphy (CT)	Sutton
Israel	Murphy (NY)	Tanner
Jackson (IL)	Murphy, Patrick	Taylor
Jackson-Lee	Murphy, Tim	Teague
(TX)	Murtha	Thompson (CA)
Jenkins	Nadler (NY)	Thompson (MS)
Johnson (GA)	Napolitano	Tierney
Johnson, E. B.	Neal (MA)	Titus
Kagen	Norton	Tonko
Kanjorski	Nye	Towns
Kaptur	Oberstar	Townsend
Kildee	Obey	Tsongas
Kilpatrick (MI)	Olver	Turner
Kilroy	Ortiz	Van Hollen
Kind	Pallone	Visclosky
King (NY)	Pascrell	Walden
Kirk	Pastor (AZ)	Walz
Kirkpatrick (AZ)	Payne	Wasserman
Kissell	Perlmutter	Schultz
Klein (FL)	Perriello	Austria
Kosmas	Peters	Baca
Kratovil	Peterson	Bachus
Kucinich	Pierluisi	Baird
Lance	Pingree (ME)	Baldwin
Langevin	Polis (CO)	Barrow
Larsen (WA)	Pomeroy	Bartlett
Larson (CT)	Price (NC)	Barton (TX)
Lee (CA)	Putnam	Bean
Levin	Quigley	Becerra
Lewis (GA)	Rahall	Berkley
Lipinski	Rangel	Berman
LoBiondo	Reyes	Berry
Loeb sack	Richardson	Biggart
Lofgren, Zoe	Rodriguez	Bilbray
Lowey	Ros-Lehtinen	Bilirakis
		Bishop (GA)
		Blumenauer
		Blunt
		Bocchieri
		Bonner
		Bono Mack
		Boozman
		Boren
		Boswell
		Boucher
		Boyd
		Brady (PA)
		Braley (IA)
		Brown (SC)
		Brown, Corrine
		Brown-Waite,
		Ginny
		Buchanan
		Burton (IN)
		Butterfield
		Calvert
		Camp
		Cantor
		Cao
		Capito
		Capps
		Capuano
		Cardoza
		Carnahan
		Carney
		Carson (IN)
		Scott (VA)
		Velázquez

NOT VOTING—8

Barrett (SC)	Kennedy	Scott (VA)
Bordallo	Lucas	Velázquez
Faleomavaega	Pence	

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
Thirty seconds remain in this vote.

□ 1756

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This will be a 2-minute vote.
The vote was taken by electronic device, and there were—ayes 89, noes 342, not voting 8, as follows:

[Roll No. 559]

AYES—89

Bachmann	Hall (TX)	Minnick
Bishop (NY)	Heller	Moran (KS)
Bishop (UT)	Hensarling	Myrick
Blackburn	Herger	Neugebauer
Boehner	Hoekstra	Nunes
Boustany	Inglis	Olson
Brady (TX)	Issa	Paul
Bright	Jenkins	Petri
Broun (GA)	Johnson (IL)	Pitts
Burgess	Johnson, Sam	Platts
Buyer	Jordan (OH)	Price (GA)
Campbell	Kind	Roe (TN)
Cassidy	King (IA)	Rohrabacher
Chaffetz	Kirk	Royce
Coble	Kline (MN)	Ryan (WI)
Coffman (CO)	Lamborn	Scalise
Conaway	Latta	Schmidt
Cooper	Linder	Sensenbrenner
Ehlers	Luetkemeyer	Sessions
Fallin	Lummis	Shadegg
Flake	Lungren, Daniel	Shimkus
Fleming	E.	Smith (NE)
Fortenberry	Mack	Speier
Foxx	Matheson	Stearns
Franks (AZ)	McCaul	Sullivan
Garrett (NJ)	McClintock	Thornberry
Giffords	McCotter	Tiberi
Gohmert	McHenry	Wamp
Goodlatte	McMahon	Westmoreland
Graves	Miller (FL)	Wilson (SC)

NOES—342

Abercrombie	Carter	Forbes
Ackerman	Castle	Foster
Aderholt	Castor (FL)	Frank (MA)
Adler (NJ)	Chandler	Frelinghuysen
Akin	Childers	Fudge
Alexander	Christensen	Gallely
Altmire	Chu	Gerlach
Andrews	Clarke	Gingrey (GA)
Arcuri	Clay	Gonzalez
Austria	Cleaver	Gordon (TN)
Baca	Clyburn	Granger
Bachus	Cohen	Grayson
Baird	Cole	Green, Al
Baldwin	Connolly (VA)	Green, Gene
Barrow	Conyers	Griffith
Bartlett	Costa	Grijalva
Barton (TX)	Costello	Guthrie
Bean	Courtney	Gutierrez
Becerra	Crenshaw	Hall (NY)
Berkley	Crowley	Halvorson
Berman	Cuellar	Hare
Berry	Culberson	Harman
Biggart	Cummings	Harper
Bilbray	Dahlkemper	Hastings (FL)
Bilirakis	Davis (AL)	Hastings (WA)
Bishop (GA)	Davis (CA)	Heinrich
Blumenauer	Davis (IL)	Herseht Sandlin
Blunt	Davis (KY)	Higgins
Bocchieri	Davis (TN)	Hill
Bonner	Deal (GA)	Himes
Bono Mack	DeFazio	Hinchey
Boozman	DeGette	Hinojosa
Boren	Delahunt	Hirono
Boswell	DeLauro	Hodes
Boucher	Dent	Holden
Boyd	Diaz-Balart, L.	Holt
Brady (PA)	Diaz-Balart, M.	Honda
Braley (IA)	Dicks	Hoyer
Brown (SC)	Dingell	Hunter
Brown, Corrine	Doggett	Insee
Brown-Waite,	Donnelly (IN)	Israel
Ginny	Doyle	Jackson (IL)
Buchanan	Dreier	Jackson-Lee
Burton (IN)	Driehaus	(TX)
Butterfield	Duncan	Johnson (GA)
Calvert	Edwards (MD)	Johnson, E. B.
Camp	Edwards (TX)	Jones
Cantor	Ellison	Kagen
Cao	Ellsworth	Kanjorski
Capito	Emerson	Kaptur
Capps	Engel	Kildee
Capuano	Eshoo	Kilpatrick (MI)
Cardoza	Etheridge	Kilroy
Carnahan	Farr	King (NY)
Carney	Fattah	Kingston
Carson (IN)	Filner	Kirkpatrick (AZ)

Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick

Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Watson
Watt
Waxman
Weiner
Welch
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Young (AK)
Schrader

Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Rahall
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxy
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte

The vote was taken by electronic device, and there were—ayes 115, noes 314, not voting 10, as follows:

[Roll No. 560]

AYES—115

Akin
Austria
Bachmann
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Duncan
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxy
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte

NOES—314

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bocchieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)

Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)

Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

NOT VOTING—10

Barrett (SC)
Bordallo
Faleomavaega
Kennedy
Lucas
Oliver
Pence
Rogers (KY)
Scott (VA)
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1802

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.
The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 336, not voting 9, as follows:

Barrett (SC)
Bordallo
Faleomavaega
Kennedy
Lucas
Pence
Scott (VA)
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1800

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This will be a 2-minute vote.

[Roll No. 561]

AYES—94

Austria Graves
 Bachmann Heller
 Bishop (UT) Hensarling
 Blackburn Herger
 Boozman Hoekstra
 Boustany Inglis
 Bright Issa
 Brown (GA) Jenkins
 Brown-Waite, Johnson (IL)
 Ginny Jordan (OH)
 Burgess Kind
 Campbell King (IA)
 Cassidy Kline (MN)
 Chaffetz Lamborn
 Coble Latta
 Coffman (CO) Linder
 Conaway Luetkemeyer
 Cooper Lummis
 Deal (GA) Lungren, Daniel
 Duncan E.
 Ehlers Mack
 Fallin Marchant
 Flake McCaul
 Fleming McClintock
 Forbes McCotter
 Fortenberry McHenry
 Foxx Miller (FL)
 Franks (AZ) Minnick
 Garrett (NJ) Moran (KS)
 Giffords Myrick
 Gohmert Neugebauer
 Goodlatte Nunes

NOES—336

Abercrombie Clarke
 Ackerman Clay
 Aderholt Cleaver
 Adler (NJ) Clyburn
 Akin Cohen
 Alexander Cole
 Altmire Connolly (VA)
 Andrews Conyers
 Arcuri Costa
 Baca Costello
 Bachus Courtney
 Baird Crenshaw
 Baldwin Crowley
 Barrow Cuellar
 Bartlett Culberson
 Barton (TX) Cummings
 Bean Dahlkemper
 Becerra Davis (AL)
 Berkley Davis (CA)
 Berman Davis (IL)
 Berry Davis (KY)
 Biggert Davis (TN)
 Bilbray DeFazio
 Bilirakis DeGette
 Bishop (GA) Delahunt
 Bishop (NY) DeLauro
 Blumenauer Dent
 Blunt Diaz-Balart, L.
 Boccieri Diaz-Balart, M.
 Boehner Dicks
 Bonner Dingell
 Bono Mack Doggett
 Boren Donnelly (IN)
 Boswell Doyle
 Boyd Dreier
 Brady (PA) Driehaus
 Brady (TX) Edwards (MD)
 Braley (IA) Edwards (TX)
 Brown (SC) Ellsworth
 Brown, Corrine Emerson
 Buchanan Engel
 Burton (IN) Eshoo
 Butterfield Etheridge
 Buyer Farr
 Calvert Fattah
 Camp Filner
 Cantor Foster
 Cao Frank (MA)
 Capito Frelinghuysen
 Capps Fudge
 Capuano Gallegly
 Cardoza Gerlach
 Carnahan Gingrey (GA)
 Carney Gonzalez
 Carson (IN) Gordon (TN)
 Carter Granger
 Castle Grayson
 Castor (FL) Green, Al
 Chandler Green, Gene
 Childers Griffith
 Christensen Grijalva
 Chu Guthrie

Nye Olson
 Paul
 Paulsen
 Perlmutter
 Petri
 Pitts
 Price (GA)
 Roe (TN)
 Rogers (MI)
 Rohrabacher
 Rooney
 Royce
 Ryan (WI)
 Scalise
 Schauer
 Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Smith (NE)
 Stearns
 Sullivan
 Terry
 Thornberry
 Tiberi
 Wamp
 Westmoreland
 Wilson (SC)
 Wittman

Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Insee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack

Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Manzullo
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Oberstar
 Obey
 Oliver
 Ortiz

Barrett (SC)
 Bordallo
 Boucher

Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster

NOT VOTING—9

Ellison
 Faleomavaega
 Lucas

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining in this vote.

□ 1805

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 337, not voting 9, as follows:

[Roll No. 562]

AYES—93

Austria Gohmert
 Bachmann Goodlatte
 Bishop (UT) Heller
 Blackburn Hensarling
 Blunt Herger
 Boehner Hoekstra
 Boozman Inglis
 Boustany Issa
 Brady (TX) Jenkins
 Bright Johnson (IL)
 Brown (GA) Johnson, Sam
 Burgess Jordan (OH)
 Burton (IN) Kind
 Buyer King (IA)
 Campbell Kingston
 Cantor Kirk
 Cassidy Kline (MN)
 Castle Lamborn
 Chaffetz Latta
 Coble Linder
 Coffman (CO) Luetkemeyer
 Conaway Lummis
 Cooper Deal (GA)
 Deal (GA) E.
 Fallin Mack
 Fleming Marchant
 Forbes Fortenberry
 Fortenberry Foxx
 Franks (AZ) Tiberi
 Garrett (NJ) McClintock
 Gingrey (GA) McCotter
 McHenry Wilson (SC)

NOES—337

Cohen
 Cole
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Forbes
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gallegly
 Gerlach
 Giffords
 Gonzalez
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie

McMorris
 Rodgers
 Miller (FL)
 Minnick
 Myrick
 Neugebauer
 Nunes
 Olson
 Paul
 Petri
 Pitts
 Price (GA)
 Roe (TN)
 Rogers (MI)
 Rohrabacher
 Rooney
 Royce
 Ryan (WI)
 Schmidt
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Smith (NE)
 Stearns
 Sullivan
 Terry
 Thornberry
 Tiberi
 Wamp
 Westmoreland
 Wilson (SC)

Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Insee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Jones
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 King (NY)
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan

Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne

NOT VOTING—9

Barrett (SC)
Bordallo
Faleomavaega

LaTourette
Lucas
Meeks (NY)

Pence
Scott (VA)
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 318, not voting 7, as follows:

[Roll No. 563]
AYES—114
Akin
Bachmann
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxy
Franks (AZ)
Gallegly

NOES—318

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bonner
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay

Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris
Rodgers
Miller (FL)
Minnick

Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson

Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton

Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Schuyler
Serrano
Sestak

NOT VOTING—7

Barrett (SC)
Bordallo
Faleomavaega

Lucas
Pence
Scott (VA)
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1812

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 326, answered “present” 1, not voting 10, as follows:

Moran (KS)
Mryck
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Young (AK)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)

[Roll No. 564]

AYES—102

Austria	Goodlatte	Moran (KS)
Bachmann	Graves	Mryck
Barton (TX)	Heller	Neugebauer
Biggart	Hensarling	Nunes
Bishop (NY)	Herger	Nye
Bishop (UT)	Hoekstra	Paul
Blackburn	Inglis	Petri
Boehner	Issa	Pitts
Boozman	Jenkins	Platts
Boustany	Johnson (IL)	Price (GA)
Brady (TX)	Jordan (OH)	Roe (TN)
Bright	Kind	Rohrabacher
Broun (GA)	King (IA)	Roskam
Burgess	Kirk	Royce
Burton (IN)	Kline (MN)	Ryan (WI)
Campbell	Lamborn	Scalise
Cantor	Latta	Schauer
Cassidy	Lee (NY)	Schmidt
Castle	Linder	Sensenbrenner
Chaffetz	Luetkemeyer	Sessions
Coble	Lummis	Shadegg
Coffman (CO)	Lungren, Daniel E.	Shimkus
Conaway	Mack	Smith (NE)
Cooper	Manzullo	Souder
Dent	Marchant	Sullivan
Duncan	McCarthy (CA)	Terry
Ehlers	McCauley	Thornberry
Fallin	McClintock	Tiberi
Flake	McCotter	Upton
Fortenberry	McHenry	Walden
Fox	McMorris	Wamp
Franks (AZ)	Rodgers	Westmoreland
Garrett (NJ)	Miller (FL)	Wilson (SC)
Gerlach	Minnick	Young (AK)
Gohmert		

NOES—326

Abercrombie	Cleaver	Guthrie
Ackerman	Clyburn	Gutierrez
Aderholt	Cohen	Hall (NY)
Adler (NJ)	Cole	Hall (TX)
Akin	Connolly (VA)	Halvorson
Alexander	Conyers	Hare
Altmire	Costa	Harman
Andrews	Costello	Harper
Arcuri	Courtney	Hastings (FL)
Baca	Crenshaw	Hastings (WA)
Bachus	Crowley	Heinrich
Baird	Cuellar	Herseth Sandlin
Baldwin	Culberson	Higgins
Barrow	Cummings	Hill
Bartlett	Dahlkemper	Himes
Bean	Davis (AL)	Hinchee
Becerra	Davis (CA)	Hinojosa
Berkley	Davis (IL)	Hirono
Berman	Davis (KY)	Hodes
Berry	Davis (TN)	Holden
Bilbray	Deal (GA)	Holt
Bilirakis	DeFazio	Honda
Bishop (GA)	DeGette	Hoyer
Blumenauer	Delahunt	Hunter
Blunt	DeLauro	Inslee
Bocchieri	Diaz-Balart, L.	Israel
Bonner	Diaz-Balart, M.	Jackson (IL)
Bono Mack	Dicks	Jackson-Lee
Boren	Dingell	(TX)
Boswell	Doggett	Johnson (GA)
Boucher	Donnelly (IN)	Johnson, E. B.
Boyd	Doyle	Johnson, Sam
Brady (PA)	Dreier	Jones
Braley (IA)	Driehaus	Kagen
Brown (SC)	Edwards (MD)	Kanjorski
Brown, Corrine	Edwards (TX)	Kaptur
Brown-Waite,	Ellison	Kildee
Ginny	Ellsworth	Kilpatrick (MI)
Buchanan	Emerson	Kilroy
Butterfield	Engel	King (NY)
Buyer	Etheridge	Kingston
Calvert	Farr	Kirkpatrick (AZ)
Camp	Fattah	Kissell
Cao	Filner	Klein (FL)
Capito	Forbes	Kosmas
Capps	Foster	Kratovil
Capuano	Frank (MA)	Kucinich
Cardoza	Frelinghuysen	Lance
Carnahan	Fudge	Langevin
Carney	Gallegly	Larsen (WA)
Carson (IN)	Giffords	Larson (CT)
Carter	Gingrey (GA)	Latham
Castor (FL)	Gonzalez	LaTourette
Chandler	Granger	Lee (CA)
Childers	Grayson	Levin
Christensen	Green, Al	Lewis (CA)
Chu	Green, Gene	Lewis (GA)
Clarke	Griffith	Lipinski
Clay	Grijalva	LoBiondo

Loeb sack	Pastor (AZ)	Shuler
Lofgren, Zoe	Paulsen	Shuster
Lowey	Payne	Simpson
Lujan	Perlmutter	Sires
Lynch	Perriello	Skelton
Maffei	Peters	Slaughter
Maloney	Peterson	Smith (NJ)
Markey (CO)	Pierluisi	Smith (TX)
Markey (MA)	Pingree (ME)	Smith (WA)
Marshall	Poe (TX)	Snyder
Massa	Polis (CO)	Space
Matheson	Pomeroy	Speier
Matsui	Posey	Spratt
McCarthy (NY)	Price (NC)	Stark
McDermott	Putnam	Stearns
McGovern	Quigley	Stupak
McHugh	Radanovich	Sutton
McIntyre	Rahall	Tanner
McKeon	Rangel	Taylor
McMahon	Rehberg	Teague
McNerney	Reichert	Thompson (CA)
Meek (FL)	Reyes	Thompson (MS)
Meeks (NY)	Richardson	Thompson (PA)
Melancon	Rodriguez	Tiahrt
Mica	Rogers (AL)	Tierney
Michaud	Rogers (KY)	Titus
Miller (MI)	Rogers (MI)	Tonko
Miller (NC)	Rooney	Towns
Miller, Gary	Ros-Lehtinen	Tsongas
Miller, George	Ross	Turner
Mitchell	Rothman (NJ)	Van Hollen
Mollohan	Roybal-Allard	Velázquez
Moore (KS)	Ruppersberger	Viscosky
Moore (WI)	Rush	Walz
Moran (VA)	Ryan (OH)	Wasserman
Murphy (CT)	Sablan	Schultz
Murphy (NY)	Salazar	Waters
Murphy, Patrick	Sánchez, Linda T.	Watson
Murphy, Tim	Sanchez, Loretta	Watt
Murtha	Sarbanes	Waxman
Nadler (NY)	Schakowsky	Weiner
Napolitano	Schiff	Welch
Neal (MA)	Schock	Wexler
Norton	Schrader	Whitfield
Oberstar	Schwartz	Wilson (OH)
Obey	Scott (GA)	Wittman
Olson	Serrano	Wolf
Oliver	Sestak	Woolsey
Ortiz	Shea-Porter	Wu
Pallone	Sherman	Yarmuth
Pascarell		Young (FL)

ANSWERED "PRESENT"—1

Fleming

NOT VOTING—10

Barrett (SC)	Gordon (TN)	Pence
Bordallo	Kennedy	Scott (VA)
Eshoo	Lucas	
Faleomavaega	McCollum	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1815

So the amendment was rejected.
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KENNEDY. Mr. Chair, on rollcall Nos. 556, 558, 559, 560 and 564, I was detained by a phone conversation with George Soros regarding the state/the U.S. economy and world economy and what would be done to rectify it.

Had I been present, I would have voted "no."

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 311, not voting 8, as follows:

[Roll No. 565]

AYES—120

Austria	Graves	Neugebauer
Bachmann	Hall (TX)	Nunes
Barton (TX)	Heller	Nye
Bean	Hensarling	Olson
Bilirakis	Herger	Paul
Bishop (UT)	Hoekstra	Paulsen
Blackburn	Hunter	Petri
Boehner	Inglis	Pitts
Boozman	Issa	Platts
Boustany	Jenkins	Poe (TX)
Brady (TX)	Johnson (IL)	Price (GA)
Bright	Johnson, Sam	Radanovich
Broun (GA)	Jordan (OH)	Roe (TN)
Burgess	Kind	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Buyer	Kirk	Rooney
Calvert	Kline (MN)	Roskam
Camp	Lamborn	Royce
Campbell	Lance	Ryan (WI)
Cantor	Latta	Scalise
Cassidy	Lee (NY)	Schauer
Castle	Linder	Schmidt
Chaffetz	Luetkemeyer	Sensenbrenner
Coble	Lummis	Sessions
Coffman (CO)	Lungren, Daniel E.	Shadegg
Conaway	Mack	Shimkus
Cooper	Manzullo	Smith (NE)
Deal (GA)	Marchant	Souder
Dent	McCarthy (CA)	Stearns
Ehlers	McCauley	Sullivan
Fallin	McClintock	Terry
Flake	McCotter	Thornberry
Fleming	McHenry	Tiberi
Forbes	McMorris	Tierney
Fortenberry	Rodgers	Walden
Fox	Miller (FL)	Wamp
Franks (AZ)	Miller, Gary	Westmoreland
Gallegly	Minnick	Wilson (SC)
Garrett (NJ)	Moran (KS)	Wittman
Gohmert	Myrick	Young (AK)
Goodlatte		

NOES—311

Abercrombie	Capito	Dingell
Ackerman	Capps	Doggett
Aderholt	Capuano	Donnelly (IN)
Adler (NJ)	Cardoza	Doyle
Akin	Carnahan	Dreier
Alexander	Carney	Driehaus
Altmire	Carson (IN)	Duncan
Andrews	Carter	Edwards (MD)
Arcuri	Castor (FL)	Edwards (TX)
Baca	Chandler	Ellison
Bachus	Childers	Ellsworth
Baird	Chu	Emerson
Baldwin	Clarke	Engel
Barrow	Clay	Eshoo
Bartlett	Cleaver	Etheridge
Becerra	Clyburn	Farr
Berkley	Cohen	Fattah
Berman	Cole	Filner
Berry	Connolly (VA)	Foster
Biggart	Conyers	Frank (MA)
Bilbray	Costa	Frelinghuysen
Bishop (GA)	Costello	Fudge
Bishop (NY)	Courtney	Gerlach
Blumenauer	Crenshaw	Giffords
Blunt	Crowley	Gingrey (GA)
Bocchieri	Cuellar	Gonzalez
Bonner	Culberson	Gordon (TN)
Bono Mack	Cummings	Granger
Boren	Dahlkemper	Grayson
Boswell	Davis (AL)	Green, Al
Boucher	Davis (CA)	Green, Gene
Boyd	Davis (IL)	Griffith
Brady (PA)	Davis (KY)	Grijalva
Braley (IA)	Davis (TN)	Guthrie
Brown (SC)	DeFazio	Gutierrez
Brown, Corrine	DeGette	Hall (NY)
Brown-Waite,	Delahunt	Halvorson
Ginny	DeLauro	Hare
Buchanan	Diaz-Balart, L.	Harman
Butterfield	Diaz-Balart, M.	Harper
Cao	Dicks	Hastings (FL)

The vote was taken by electronic device, and there were—ayes 99, noes 332, not voting 8, as follows:

[Roll No. 567]

AYES—99

Akin Goodlatte Neugebauer
 Austria Graves Nye
 Bachmann Halvorson Olson
 Barton (TX) Heller Paul
 Bean Hensarling Paulsen
 Blackburn Herger Petri
 Boehner Hoekstra Pitts
 Boustany Inglis Poe (TX)
 Brady (TX) Issa Price (GA)
 Bright Jenkins Roe (TN)
 Broun (GA) Johnson (IL) Rogers (MI)
 Brown-Waite, Jordan (OH) Rohrabacher
 Ginny Kind Rooney
 Buchanan King (IA) Royce
 Burgess Kirk Ryan (WI)
 Campbell Kline (MN) Scalise
 Cantor Lamborn Schauer
 Cassidy Latta Lee (NY)
 Chaffetz Chaffetz Linder
 Coble Luetkemeyer Sessions
 Coffman (CO) Lummis Shadegg
 Conaway Lungren, Daniel Shimkus
 Cooper Deal (GA) E. Smith (NE)
 Ehlers Mack Souder
 Fallin Manzullo Speier
 Flake Marchant Stearns
 Fleming McCaul Sullivan
 Fortenberry McClintock Terry
 Foster McCotter Thornberry
 Foxx McHenry Tiberi
 Franks (AZ) Minnick Upton
 Garrett (NJ) Moran (KS) Walden
 Giffords Myrick Westmoreland

NOES—332

Abercrombie Christensen
 Ackerman Chu
 Aderholt Clarke
 Adler (NJ) Clay
 Alexander Cleaver
 Altmire Clyburn
 Andrews Cohen
 Arcuri Cole
 Baca Connolly (VA)
 Bachus Conyers
 Baird Costa
 Baldwin Costello
 Barrow Courtney
 Bartlett Crenshaw
 Becerra Crowley
 Berkley Cuellar
 Berman Culberson
 Berry Cummings
 Biggert Dahlkemper
 Bilbray Davis (AL)
 Billirakis Davis (CA)
 Bishop (GA) Davis (IL)
 Bishop (NY) Davis (KY)
 Bishop (UT) Davis (TN)
 Blumenauer DeFazio
 Blunt DeGette
 Boccieri Delahunt
 Bonner DeLauro
 Bono Mack Dent
 Boozman Diaz-Balart, L.
 Boren Diaz-Balart, M.
 Boswell Dicks
 Boucher Dingell
 Boyd Doggett
 Brady (PA) Donnelly (IN)
 Braley (IA) Doyle
 Brown (SC) Dreier
 Brown, Corrine Driehaus
 Burton (IN) Duncan
 Butterfield Edwards (MD)
 Buyer Edwards (TX)
 Calvert Ellison
 Camp Ellsworth
 Cao Emerson
 Capito Engel
 Capps Eshoo
 Capuano Etheridge
 Cardoza Farr
 Carnahan Fattah
 Carney Filner
 Carson (IN) Forbes
 Carter Frank (MA)
 Castle Frelinghuysen
 Castor (FL) Fudge
 Chandler Gallegly
 Childers Gerlach

Gingrey (GA)
 Gonzalez
 Gordon (TN)
 Granger
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inslie
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 King (NY)
 Kingston
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich

Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 Lobiando
 Loeb
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha

NOT VOTING—8

Barrett (SC) Gohmert Pence
 Bordallo Lucas Scott (VA)
 Faleomavaega McKeon

ANNOUNCEMENT BY THE ACTING CHAIR
 The Acting CHAIR (during the vote).
 One minute remains in this vote.

□ 1824

So the amendment was rejected.
 The result of the vote was announced
 as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. FLAKE
 The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Arizona (Mr. FLAKE)
 on which further proceedings were
 postponed and on which the noes pre-
 vailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.
 The Acting CHAIR. This will be a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 104, noes 325,
 not voting 10, as follows:

[Roll No. 568]

AYES—104

Akin Goodlatte Minnick
 Austria Graves Moran (KS)
 Bachmann Hall (TX) Myrick
 Barton (TX) Heller Neugebauer
 Bean Hensarling Nunes
 Blackburn Herger Olson
 Boehner Hoekstra Paul
 Boustany Hunter Petri
 Brady (TX) Ingliis Pitts
 Bright Poe (TX) Issa
 Broun (GA) Jenkins Price (GA)
 Brown-Waite, Johnson (IL) Roe (TN)
 Ginny Johnson, Sam
 Buchanan Jordan (OH) Rogers (MI)
 Burgess Kind Rohrabacher
 Campbell Kingston Roskam
 Cantor Kirk Royce
 Cassidy Kline (MN) Ryan (WI)
 Chaffetz Lamborn Scalise
 Coble Latta Schauer
 Coffman (CO) Luetkemeyer
 Conaway Lummis Schmitt
 Cooper Lungren, Daniel Schock
 Deal (GA) E. Lungren, Daniel
 Duncan Mack Sessions
 Ehlers Manzullo Shadegg
 Fallin Marchant Shimkus
 Flake Marchant Smith (NE)
 Fleming McCaul Stearns
 Fortenberry McClintock Sullivan
 Foster McCotter Terry
 Foxx McHenry Thornberry
 Franks (AZ) McMorris Tiberi
 Garrett (NJ) Rodgers Walden
 Giffords Mica Westmoreland
 Gohmert Miller (FL) Wittman

NOES—325

Abercrombie Clay Green, Gene
 Ackerman Cleaver Griffith
 Aderholt Grijalva Grijalva
 Adler (NJ) Cohen Guthrie
 Alexander Cole Gutierrez
 Altmire Connolly (VA) Hall (NY)
 Andrews Conyers Halvorson
 Arcuri Costa Hare
 Baca Costello Harman
 Bachus Courtney Harper
 Baird Crenshaw Hastings (FL)
 Baldwin Baldwin Hastings (WA)
 Barrow Cuellar Heinrich
 Bartlett Culberson Herseth Sandlin
 Barton (TX) Cummings Higgins
 Bean Dahlkemper Hill
 Becerra Davis (AL) Himes
 Berkley Davis (CA) Hinchey
 Berman Davis (IL) Hinojosa
 Berry Davis (KY) Hirono
 Bilbray Davis (TN) Hodes
 Bilirakis DeFazio Holden
 Bishop (GA) DeGette Holt
 Bishop (NY) Delahunt Honda
 Bishop (UT) DeLauro Hoyer
 Blunt Dent Inslie
 Boccieri Diaz-Balart, L. Israel
 Bonner Diaz-Balart, M. Jackson (IL)
 Bono Mack Dicks Jackson-Lee
 Boren Dingell (TX)
 Boswell Doggett Johnson (GA)
 Boucher Donnelly (IN) Johnson, E. B.
 Boyd Doyle Jones
 Brady (PA) Dreier Kagen
 Braley (IA) Driehaus Kanjorski
 Brown (SC) Edwards (MD) Kaptur
 Brown, Corrine Edwards (TX) Kennedy
 Burton (IN) Ellison Kildee
 Butterfield Ellsworth Kilpatrick (MI)
 Buyer Emerson Kilroy
 Calvert Engel King (NY)
 Camp Eshoo Kirkpatrick (AZ)
 Cao Etheridge Kissell
 Capito Farr Klein (FL)
 Capps Fattah Kosmas
 Capuano Filner Kratovil
 Cardoza Foster Kucinich
 Carnahan Frank (MA) Lance
 Carney Carney Frelinghuysen
 Carson (IN) Fudge Larsen (WA)
 Carter Carter Gallegly Larson (CT)
 Castle Gerlach Latham
 Castor (FL) Gingrey (GA) LaTourette
 Chandler Gonzalez Lee (CA)
 Childers Gordon (TN) Lee (NY)
 Christensen Granger Levin
 Chu Grayson Lewis (CA)
 Clarke Green, Al Lewis (GA)

Lipinski	Pastor (AZ)	Sires	[Roll No. 569]	McCollum	Polis (CO)	Smith (TX)
LoBiondo	Paulsen	Skelton		McDermott	Pomeroy	Smith (WA)
Loebsack	Payne	Slaughter	AYES—74	McGovern	Posey	Snyder
Lofgren, Zoe	Perlmutter	Smith (NJ)	Bachmann	McHugh	Price (NC)	Souder
Lowey	Perriello	Smith (TX)	Barrow	McIntyre	Putnam	Space
Luján	Peters	Smith (WA)	Blackburn	McKeon	Quigley	Speier
Lynch	Peterson	Snyder	Boehner	McMahon	Radanovich	Spratt
Maffei	Pierluisi	Souder	Boustany	McMorris	Rahall	Stark
Maloney	Pingree (ME)	Space	Bright	Rodgers	Rangel	Stearns
Markey (CO)	Platts	Speier	Broun (GA)	McNerney	Rehberg	Stupak
Markey (MA)	Polis (CO)	Spratt	Burgess	Meek (FL)	Reichert	Sullivan
Marshall	Pomeroy	Stark	Campbell	Meeks (NY)	Reyes	Sutton
Massa	Posey	Stupak	Cantor	Melancon	Richardson	Tanner
Matheson	Price (NC)	Sutton	Cassidy	Mica	Rodriguez	Taylor
Matsui	Putnam	Tanner	Chaffetz	Michaud	Roe (TN)	Teague
McCollum	Quigley	Taylor	Coble	Miller (MI)	Rogers (AL)	Terry
McDermott	Radanovich	Teague	Coffman (CO)	Miller (NC)	Rogers (KY)	Thompson (CA)
McGovern	Rahall	Thompson (CA)	Conaway	Miller, Gary	Rogers (MI)	Thompson (MS)
McHugh	Rangel	Thompson (MS)	Cooper	Miller, George	Rooney	Thompson (PA)
McIntyre	Rehberg	Thompson (PA)	Deal (GA)	Mitchell	Ros-Lehtinen	Tiahrt
McKeon	Reichert		Duncan	Mollohan	Roskam	Tierney
McMahon	Reyes		Ehlers	Moore (KS)	Ross	Titus
McNerney	Richardson		Fallin	Moore (WI)	Rothman (NJ)	Tonko
Meek (FL)	Rodriguez		Flake	Moran (VA)	Roybal-Allard	Towns
Meeks (NY)	Rogers (AL)		Fleming	Murphy (CT)	Royce	Tsongas
Melancon	Rogers (KY)		Fortenberry	Murphy (NY)	Ruppersberger	Turner
Michaud	Rooney		Foster	Murphy, Patrick	Rush	Upton
Miller (MI)	Ros-Lehtinen		Fox	Murphy, Tim	Ryan (OH)	Van Hollen
Miller (NC)	Ross			Murtha	Sablan	Velázquez
Miller, Gary	Rothman (NJ)			Nadler (NY)	Salazar	Velázquez
Miller, George	Roybal-Allard			Napolitano	Sánchez, Linda	Visclosky
Mitchell	Ruppersberger			Neal (MA)	T.	Walden
Mollohan	Rush			Norton	Sanchez, Loretta	Walz
Moore (KS)	Ryan (OH)			Nunes	Sarbanes	Wamp
Moore (WI)	Sablan			Oberstar	Scalise	Wasserman
Moran (VA)	Salazar			Obey	Schakowsky	Schultz
Murphy (CT)	Sánchez, Linda			Olson	Schiff	Waters
Murphy (NY)	T.			Olver	Schock	Watson
Murphy, Patrick	Sanchez, Loretta			Ortiz	Schrader	Watt
Murphy, Tim	Sarbanes			Pallone	Schwartz	Waxman
Murtha	Schakowsky			Pascarell	Scott (GA)	Weiner
Nadler (NY)	Schiff			Pastor (AZ)	Serrano	Welch
Napolitano	Schrader			Paulsen	Sestak	Wexler
Neal (MA)	Schwartz			Payne	Shea-Porter	Whitfield
Norton	Scott (GA)			Perlmutter	Sherman	Wilson (OH)
Nye	Serrano			Perriello	Shuler	Wittman
Oberstar	Sestak			Peters	Shuster	Wolf
Obey	Shea-Porter			Peterson	Simpson	Woolsey
Olver	Sherman			Pierluisi	Sires	Wu
Ortiz	Shuler			Pingree (ME)	Skelton	Yarmuth
Pallone	Shuster			Platts	Slaughter	Young (AK)
Pascarell	Simpson			Poe (TX)	Smith (NJ)	Young (FL)

NOES—356

NOT VOTING—10

Barrett (SC)	King (IA)	Pence
Blumenauer	Linder	Scott (VA)
Bordallo	Lucas	
Faleomavaega	McCarthy (NY)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1827

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 356, not voting 9, as follows:

Bachmann	Franks (AZ)	McHenry
Barrow	Garrett (NJ)	Miller (FL)
Blackburn	Gingrey (GA)	Minnick
Boehner	Goodlatte	Moran (KS)
Boustany	Graves	Myrick
Bright	Halvorson	Neugebauer
Broun (GA)	Heller	Nye
Burgess	Hensarling	Paul
Campbell	Herger	Petri
Cantor	Hoekstra	Pitts
Cassidy	Inglis	Price (GA)
Chaffetz	Issa	Rohrabacher
Coble	Jenkins	Ryan (WI)
Coffman (CO)	Johnson (IL)	Schauer
Conaway	Jordan (OH)	Schmidt
Cooper	Kind	Sensenbrenner
Deal (GA)	King (IA)	Sessions
Duncan	Kline (MN)	Shadegg
Ehlers	Lamborn	Shimkus
Fallin	Luetkemeyer	Smith (NE)
Flake	Lummis	Thornberry
Fleming	Marchant	Tiberi
Fortenberry	McCaul	Westmoreland
Foster	McClintock	Wilson (SC)
Fox	McCotter	
Abercrombie	Cohen	Higgins
Ackerman	Cole	Hill
Aderholt	Connolly (VA)	Himes
Adler (NJ)	Conyers	Hinche
Akin	Costa	Hinojosa
Alexander	Costello	Hirono
Altmire	Courtney	Hodes
Andrews	Crenshaw	Holden
Arcuri	Crowley	Holt
Austria	Cue	Honda
Baca	Culberson	Hoyer
Bachus	Cummings	Hunter
Baird	Dahlkemper	Inslee
Baldwin	Davis (AL)	Israel
Bartlett	Davis (CA)	Jackson (IL)
Barton (TX)	Davis (LL)	Jackson-Lee
Bean	Davis (KY)	(TX)
Becerra	Davis (TN)	Johnson (GA)
Berkley	DeFazio	Johnson, E. B.
Berman	DeGette	Johnson, Sam
Berry	Delahunt	Jones
Biggart	DeLauro	Kagen
Bilbray	Dent	Kanjorski
Bilirakis	Diaz-Balart, L.	Kaptur
Bishop (GA)	Diaz-Balart, M.	Kennedy
Bishop (NY)	Dicks	Kildee
Bishop (UT)	Dingell	Kilpatrick (MI)
Blumenauer	Doggett	Kilroy
Blunt	Donnelly (IN)	King (NY)
Boccheri	Doyle	Kingston
Bonner	Dreier	Kirk
Bono Mack	Driehaus	Kirkpatrick (AZ)
Boozman	Edwards (MD)	Kissell
Boren	Edwards (TX)	Klein (FL)
Boswell	Ellison	Kosmas
Boucher	Ellsworth	Kratovil
Boyd	Emerson	Kucinich
Brady (PA)	Engel	Lance
Brady (TX)	Eshoo	Langevin
Braley (IA)	Etheridge	Larsen (WA)
Brown (SC)	Farr	Larson (CT)
Brown, Corrine	Fattah	Latham
Brown-Waite,	Filner	LaTourette
Ginny	Forbes	Latta
Buchanan	Frank (MA)	Lee (CA)
Burton (IN)	Frelinghuysen	Lee (NY)
Butterfield	Fudge	Levin
Buyer	Gallegly	Lewis (CA)
Calvert	Gerlach	Lewis (GA)
Camp	Giffords	Lipinski
Cao	Gonzalez	LoBiondo
Capito	Gordon (TN)	Loebsack
Capps	Granger	Lofgren, Zoe
Capuano	Grayson	Lowey
Cardoza	Green, Al	Luján
Carnahan	Green, Gene	Lungren, Daniel
Carney	Griffith	E.
Carson (IN)	Grijalva	Lynch
Carter	Guthrie	Mack
Castle	Gutierrez	Maffei
Castor (FL)	Hall (NY)	Maloney
Chandler	Hall (TX)	Manzullo
Childers	Hare	Markey (CO)
Christensen	Harman	Markey (MA)
Chu	Harper	Marshall
Clarke	Hastings (FL)	Massa
Clay	Hastings (WA)	Matheson
Cleaver	Heinrich	Matsui
Clyburn	Herseth Sandlin	McCarthy (CA)

NOT VOTING—9

Barrett (SC)	Gohmert	McCarthy (NY)
Bordallo	Linder	Pence
Faleomavaega	Lucas	Scott (VA)

□ 1830

So the amendment was rejected. The result of the vote was announced as above recorded.

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

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

Mrs. EMERSON. Mr. Chairman, I would like to take this time to yield to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentlewoman from Missouri for her leadership and for allowing me time to speak.

Mr. Chairman, it is my goal to have a clean, up-or-down vote to restrict tax dollars from paying for abortions in the District of Columbia. I'm just asking for a clean, up-or-down vote because I think many people in America do not want us to take tax dollars and provide abortions.

Now, there has been a letter sent to Speaker PELOSI, to Chairman OBEY, and Chairwoman SLAUGHTER on this very important issue back on February 25. I was a cosigner of this letter to the Speaker, to the chairman of the Appropriations Committee and the chairwoman of the Rules Committee, along with another 179 Members, including 21

Democrats. It was requested that any changes to pro-life riders would be allowed an up-or-down vote on the floor of the House.

I was joined in an amendment on this bill by Mr. DAVIS of Tennessee, Mr. SHULER of North Carolina, Mr. JORDAN of Ohio, Mr. STUPAK of Michigan, Mr. SMITH of New Jersey, Mr. COSTELLO of Illinois, Mr. PITTS of Pennsylvania, Mr. MARSHALL of Georgia and Mrs. BACHMANN of Minnesota. We simply requested that we strike the word "Federal" from the bill, saying no funds shall be made available to provide for abortions. That rule, or that amendment was not made in order by the rule.

Mr. FLAKE of Arizona has tried to substitute one of his amendments that were made in order for this amendment so that we could have a clean, up-or-down vote.

So the whole purpose of the motion to recommit that I intend to offer will be to get a clean, up-or-down vote on this issue.

Now, currently, the bill allows for public funds to be spent on abortions. It does limit Federal funds, but all this money goes into the same bank account. It is a bookkeeping exercise to try to sort it all out. It is impossible to sort it all out. What it means is there will be no prohibitions on abortions in the District of Columbia in this bill, and, in fact, tax dollars will be providing abortions in the bill. Regardless of whether it's Federal or local funds, they will occur.

Now, we know this has happened in the past. In 1996, there was an amendment passed called the Dornan amendment which restricted funds from providing abortions. Following that bill, once they were stopped, there was a study done by the Alan Guttmacher Institute. They found out that there was a 34 percent drop in abortions in the District of Columbia when these funds were restricted.

Now, I've heard the President say, and I have heard many people who are pro-choice say, that they are for reducing the number of abortions. This clearly will be a reduction in the number of abortions if you will oppose this, or if you will support this amendment and allow me a clean, up-or-down vote on the amendment that I'm joined with by many others.

Seventy percent of Americans, according to polling data, oppose using public funds for abortions. So, regardless of where you're at on the issue, certainly, those folks, those 70 percent of Americans need an opportunity for their voice to be heard on the floor of the House. They need an up-or-down, clean vote on whether we're going to take public funds to provide abortions or not.

If you think of it in human terms, there is a financial incentive that will be put in place, paid for by tax dollars, that will encourage women who are single parents, living below the poverty level, to have the opportunity for a free abortion.

If you take that scenario and apply it to many of the great minds we have today, who would we have been deprived of? Our President grew up in those similar circumstances. If that financial incentive was in place, is it possible that his mother may have taken advantage of it?

Clarence Thomas, Supreme Court justice, if those circumstances were in place, is it possible that we would have been denied his great mind?

The opportunity to have tax-funded abortions, a financial incentive, is something that I think most of us want to oppose in America. And it certainly deserves a clean, up-or-down vote.

So it's my intent to offer a motion to recommit that is clean that simply strikes the word "Federal" on page 143, line 8, and allows an up-or-down vote. Now if this is ruled out of order, I would like to encourage those of us here to please allow this vote, a clean vote up or down.

Mrs. EMERSON. I yield back the balance of our time.

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

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

Mr. SERRANO. I think what this needs is not necessarily an up-or-down vote. It needs clarification. What the gentleman is doing is just using this device to bring up an issue, a very difficult issue that we deal with in this society that does not belong anywhere on this bill. The fact of life is that his amendment is out of order. But we will discuss that later at the proper time.

Let's be clear on what this bill does on that particular issue. For a long time, for as long as I can remember, this Congress, that side of the aisle, has been telling the people, the citizens of the Washington, D.C. what to do, not only on the issue of abortion, on the issue of needle exchange, on the issue of guns, on the issue of gay marriages. On whatever issue is important to go back home and say, I am strong on this issue, rather than do it in their districts, they do it on the District of Columbia. And so they stand up and they say, I'm strong on this issue. Yeah, you are in D.C. I'm strong on that other issue. Yes, you are, in D.C. I'm strong on this third issue. Absolutely, in D.C.

Well, D.C. is not a foreign country. D.C. is American citizens, residents of this Nation who, under some behavior, have been put down by that side year after year after year as something other than second-class citizens.

What my bill does, what our bill does is simply say this: There is now a ban on use of Federal funds for abortions in D.C. There is a ban on local tax dollars being used for abortion services. What I do is remove the local ban so that they can have their own debate and decide whether or not they're going to do it.

You assume they're going to do it. I don't know. They're going to debate that later. They may not do it. But the Federal ban stays in place.

So when you say we will now allow taxpayers dollars, no. The American taxpayer who pays Federal dollars will not have a single dollar be used in Washington, D.C., for abortion services. But it may be that the tax dollars paid by the local residents of D.C. may be used for that. But we don't know that.

So this is not, ladies and gentlemen, a vote on abortion or how you feel about that. It's another form of colonialism, and I know a little bit about that. It is about telling people in D.C. you're not equal to the rest of us. We will tell you what to do. You can't think for yourself.

I'm not the mayor of D.C. I'm not the city council of D.C. They have a mayor. They have a city council. But year after year, on issue, after issue, you pick unfairly on the people who live in the District of Columbia.

I know there are folks on both sides of the aisle who have very strong feelings about the issue of abortion. I only implore you to look at the issue and understand that you're not voting on whether abortions will be taking place in this country or not, or anywhere or not. There are abortions taking place in D.C. right now by those people that can have them. That hasn't stopped. These are services that could be granted to them if they wish to.

So I implore you, do not think about the issue of abortion, but think about the issue of rights of American citizens to conduct their own business and to govern themselves.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Financial Services and General Government Appropriations Act, 2010".

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. HOLDEN, Acting 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. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 644, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 644, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TIAHRT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIAHRT. In its current form I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tiahrt moves to recommit the bill H.R. 3170 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 143, line 8, strike "Federal".

POINT OF ORDER

Mr. SERRANO (during the reading). Mr. Speaker, I make a point of order against the motion under clause 2 of rule XXI. Although the instructions in the motion propose to amend a legislative limitation permitted to remain, it does not propose to merely perfect that language, but adds further legislation.

The instructions would broaden the application of the provision to include the District of Columbia funds and would not be in order under clause 2 of rule XXI.

And I ask for a ruling from the Chair. The SPEAKER pro tempore. Before making a ruling, the Chair will request that the Clerk continue reading the motion.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman's point of order has been made. Does anyone seek to be heard on the point of order?

Mr. TIAHRT. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Kansas is recognized.

Mr. TIAHRT. Mr. Speaker, first of all, this is a restriction of funds on this amendment. So I think it should be considered as in order on that.

But further, we have a constitutional requirement to oversee the expenditure of funds in the District of Columbia. It has been said that we are sidestepping our responsibility, or overstepping our responsibility by becoming mayor and city council member for the District of Columbia. But, in fact, we have a constitutional requirement to deal with the finances of the District of Columbia.

We also have many people who have asked to have an opportunity to reduce the number of abortions. So in your point of order, it's very clear that since it's a restriction of funds, since we have had so many people ask for a clean vote on this, that I would urge the Speaker to make this motion to recommit in order so that we can have this clean, up-or-down vote on the restriction of funds on this spending bill.

The SPEAKER pro tempore. Does any other Member seek to be heard on the point of order? If not, the Chair is prepared to rule.

Under settled precedent, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amend-

ment effecting further legislation is not in order.

The amendment proposed in the instant motion to recommit offered by the gentleman from Kansas is unlike the amendment addressed in the precedent of May 25, 1959, recorded in Deschler's Precedents at volume 8, chapter 26, section 22.11, which was held in order as merely perfecting because it simply narrowed the sweep of a limitation in the bill.

Instead, the precedent of November 15, 1989, recorded in section 1054 of the House Rules and Manual, is more pertinent. Indeed, the 1989 precedent is controlling. In that situation, as here, a legislative provision applicable to Federal funds—a limitation adorned with legislative exceptions—was permitted to remain in the general appropriations bill including funding for the District of Columbia. An amendment striking the word "Federal" was held to broaden the legislative provision to address District of Columbia funds as well.

On these premises, the Chair holds that the amendment proposed in the motion to recommit—even if it had been considered in the Committee of the Whole—presents a violation of clause 2(c) of rule XXI. The point of order is sustained. The motion is not in order.

□ 1845

Mr. TIAHRT. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. SERRANO. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on the passage of the bill, if arising without further proceedings in recommitment, and a motion to suspend the rules on H. Res. 476.

The vote was taken by electronic device, and there were—ayes 225, noes 195, not voting 13, as follows:

[Roll No. 570]

AYES—225

Abercrombie	Berkley	Butterfield
Ackerman	Berman	Capps
Adler (NJ)	Bishop (GA)	Capuano
Andrews	Bishop (NY)	Cardoza
Arcuri	Blumenauer	Carnahan
Baca	Boswell	Carney
Baird	Boucher	Carson (IN)
Baldwin	Boyd	Castor (FL)
Barrow	Brady (PA)	Chandler
Bean	Braley (IA)	Chu
Becerra	Brown, Corrine	Clarke

Clay	Johnson, E. B.	Perriello
Cleaver	Kagen	Peters
Clyburn	Kanjorski	Pingree (ME)
Cohen	Kaptur	Polis (CO)
Connolly (VA)	Kennedy	Pomeroy
Conyers	Kildee	Price (NC)
Cooper	Kilpatrick (MI)	Quigley
Costa	Kilroy	Rahall
Courtney	Kind	Rangel
Crowley	Kirkpatrick (AZ)	Reyes
Cuellar	Kissell	Richardson
Cummings	Klein (FL)	Rodriguez
Davis (CA)	Kosmas	Rothman (NJ)
Davis (IL)	Kratovil	Roybal-Allard
DeFazio	Kucinich	Ruppersberger
DeGette	Langevin	Rush
Delahunt	Larsen (WA)	Ryan (OH)
DeLauro	Larson (CT)	Salazar
Dicks	Lee (CA)	Sánchez, Linda T.
Dingell	Levin	Sanchez, Loretta
Doggett	Lewis (GA)	Sarbanes
Doyle	Loeback	Schakowsky
Edwards (MD)	Lofgren, Zoe	Schauer
Edwards (TX)	Lowe	Schiff
Ellison	Luján	Schrader
Engel	Lynch	Schwartz
Eshoo	Maffei	Scott (GA)
Etheridge	Maloney	Serrano
Farr	Markey (CO)	Sestak
Fattah	Massa	Shea-Porter
Filner	Matheson	Sires
Foster	Matsui	Slaughter
Frank (MA)	McCarthy (NY)	Smith (WA)
Fudge	McCollum	Snyder
Giffords	McDermott	Space
Gonzalez	McGovern	Speier
Grayson	McMahon	Spratt
Green, Al	McNerney	Stark
Green, Gene	Meek (FL)	Sutton
Grijalva	Meeks (NY)	Tanner
Gutierrez	Michaud	Teague
Hall (NY)	Miller (NC)	Thompson (CA)
Halvorson	Miller, George	Thompson (MS)
Hare	Minnick	Tierney
Harman	Mitchell	Titus
Hastings (FL)	Mollohan	Tonko
Heinrich	Moore (KS)	Towns
Herseth Sandlin	Moore (WI)	Tsongas
Higgins	Moran (VA)	Van Hollen
Hill	Murphy (CT)	Velázquez
Himes	Murphy (NY)	Visclosky
Hinchey	Murphy, Patrick	Walz
Hinojosa	Murtha	Wasserman
Hirono	Nadler (NY)	Schultz
Hodes	Napolitano	Waters
Holden	Neal (MA)	Watson
Holt	Nye	Watt
Honda	Obey	Waxman
Hoyer	Olver	Weiner
Inslee	Ortiz	Wexler
Israel	Pallone	Wilson (OH)
Jackson (IL)	Pascrell	Woolsey
Jackson-Lee	Pastor (AZ)	Wu
Payne	Perlmutter	Yarmuth

NOES—195

Aderholt	Buyer	Ellsworth
Akin	Calvert	Emerson
Alexander	Camp	Fallin
Altmire	Campbell	Flake
Austria	Cantor	Fleming
Bachmann	Cao	Forbes
Bachus	Capito	Fortenberry
Bartlett	Carter	Foxx
Barton (TX)	Cassidy	Franks (AZ)
Berry	Castle	Frelinghuysen
Biggert	Chaffetz	Gallely
Bilbray	Childers	Garrett (NJ)
Bilirakis	Coble	Gerlach
Bishop (UT)	Coffman (CO)	Gingrey (GA)
Blackburn	Cole	Gohmert
Blunt	Conaway	Goodlatte
Bocchieri	Costello	Gordon (TN)
Boehner	Crenshaw	Granger
Bonner	Culberson	Graves
Bono Mack	Dahlkemper	Griffith
Boozman	Davis (AL)	Guthrie
Boren	Davis (KY)	Hall (TX)
Boustany	Davis (TN)	Harper
Brady (TX)	Deal (GA)	Hastings (WA)
Bright	Dent	Heller
Broun (GA)	Diaz-Balart, L.	Hoekstra
Brown (SC)	Diaz-Balart, M.	Hunter
Brown-Waite,	Donnelly (IN)	Inglis
Ginny	Dreier	Issa
Buchanan	Driehaus	Jenkins
Burgess	Duncan	Johnson (IL)
Burton (IN)	Ehlers	Johnson, Sam

Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Melancon

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Oberstar
Olson
Paul
Paulsen
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce

Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Member is his or her own counsel on how to resolve his or her response on a given question.

Mr. LATOURETTE. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. LATOURETTE. Really, I guess I want to ask why is the “present” button yellow, but that’s not my parliamentary inquiry.

The parliamentary inquiry is, that should the Member that finds himself in that conundrum now is going to push red or green choose to insert a statement into the RECORD, where exactly would that appear in the Record?

The SPEAKER pro tempore. It would appear with the debate on the question.

The question is on the passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 208, answered “present” 1, not voting 5, as follows:

Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark

Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky

Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NAYS—208

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Billbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bocchieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carney
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris
Rodgers
Moran (KS)

Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Paul
Paulsen
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Issa
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED “PRESENT”—1

Buchanan

Barrett (SC)
Lucas

Pence
Perlmutter

Scott (VA)

NOT VOTING—5

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

NOT VOTING—13

Barrett (SC)
Hensarling
Herger
King (IA)
Linder

Lucas
Markey (MA)
Pence
Scott (VA)
Sherman

Shuster
Sullivan
Welch

[Roll No. 571]

YEAS—219

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Cantor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo

Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Insole
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
LaTourette
Lee (CA)
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lujan

Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1901

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

Mr. GEORGE MILLER of California changed his vote from “no” to “aye.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his inquiry.

Mr. LATOURETTE. Mr. Speaker, this bill has the potential or it is causing some angst among a number of people, and so my question is, as a Member of the House who happens to be not pleased with the abortion language in the bill relative to the District of Columbia but who is tickled pink about the auto dealer language that’s in the bill, how does such a Member resolve that? What procedure exists for such a Member to come to some accommodation?

The SPEAKER pro tempore. The Chair can affirm that on a question of adopting a motion or approving a measure, a Member may respond either in the affirmative, in the negative, or as present. A Member who favors a proposition votes “aye.” A Member who opposes a proposition votes “no.” A Member who wishes to abstain, whether for doubt or recusal or otherwise, might record as “present.” Each

□ 1910

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING BLACK MUSIC MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 476, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 476, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 572]

YEAS—418

Abercrombie	Capito	Ellison
Ackerman	Capps	Ellsworth
Aderholt	Capuano	Emerson
Adler (NJ)	Cardoza	Engel
Akin	Carnahan	Eshoo
Alexander	Carney	Etheridge
Altmire	Carson (IN)	Fallin
Andrews	Carter	Farr
Arcuri	Cassidy	Fattah
Austria	Castle	Fiener
Baca	Castor (FL)	Flake
Bachmann	Chaffetz	Fleming
Bachus	Chandler	Forbes
Baldwin	Childers	Fortenberry
Barrow	Chu	Foster
Bartlett	Clarke	Fox
Barton (TX)	Clay	Frank (MA)
Bean	Cleaver	Franks (AZ)
Becerra	Clyburn	Frelinguhuysen
Berkley	Coble	Fudge
Berman	Coffman (CO)	Galleghy
Berry	Cohen	Garrett (NJ)
Biggert	Cole	Gerlach
Billbray	Conaway	Giffords
Bilirakis	Connolly (VA)	Gingrey (GA)
Bishop (GA)	Conyers	Gonzalez
Bishop (NY)	Cooper	Goodlatte
Bishop (UT)	Costa	Gordon (TN)
Blackburn	Costello	Granger
Blumenauer	Courtney	Graves
Blunt	Crenshaw	Grayson
Bocchieri	Crowley	Green, Al
Bonner	Cuellar	Green, Gene
Bono Mack	Culberson	Griffith
Boozman	Cummings	Grijalva
Boren	Dahlkemper	Guthrie
Boswell	Davis (AL)	Gutierrez
Boucher	Davis (CA)	Hall (NY)
Boustany	Davis (IL)	Hall (TX)
Boyd	Davis (KY)	Halvorson
Brady (PA)	Davis (TN)	Hare
Brady (TX)	Deal (GA)	Harper
Braley (IA)	DeFazio	Hastings (FL)
Bright	DeGette	Hastings (WA)
Broun (GA)	DeLauro	Heinrich
Brown (SC)	Dent	Heller
Brown, Corrine	Diaz-Balart, L.	Hensarling
Brown-Waite,	Diaz-Balart, M.	Henger
Ginny	Dicks	Herseth Sandlin
Buchanan	Dingell	Higgins
Burgess	Doggett	Hill
Burton (IN)	Donnelly (IN)	Himes
Butterfield	Doyle	Hinche
Buyer	Dreier	Hinojosa
Calvert	Driehaus	Hirono
Camp	Duncan	Hodes
Campbell	Edwards (MD)	Hoekstra
Cantor	Edwards (TX)	Holden
Cao	Ehlers	Holt

Honda	McMahon	Sanchez, Linda
Hoyer	McMorris	T.
Hunter	Rodgers	Sanchez, Loretta
Inglis	McNerney	Sarbanes
Inslee	Meek (FL)	Scalise
Israel	Meeke (NY)	Schakowsky
Issa	Melancon	Schauer
Jackson (IL)	Mica	Schiff
Jackson-Lee	Michaud	Schmidt
(TX)	Miller (FL)	Schock
Jenkins	Miller (MI)	Schrader
Johnson (GA)	Miller (NC)	Schwartz
Johnson (IL)	Miller, George	Scott (GA)
Johnson, E. B.	Minnick	Sensenbrenner
Johnson, Sam	Mitchell	Sessions
Jones	Mollohan	Sestak
Jordan (OH)	Moore (KS)	Shadegg
Kagen	Moore (WI)	Shea-Porter
Kanjorski	Moran (KS)	Sherman
Kaptur	Moran (VA)	Shimkus
Kennedy	Murphy (CT)	Shuler
Kildee	Murphy (NY)	Shuster
Kilpatrick (MI)	Murphy, Patrick	Simpson
Kilroy	Murphy, Tim	Sires
Kind	Myrick	Skelton
King (IA)	Nadler (NY)	Slaughter
King (NY)	Napolitano	Smith (NE)
Kingston	Neal (MA)	Smith (NJ)
Kirk	Neugebauer	Smith (TX)
Kirkpatrick (AZ)	Nunes	Smith (WA)
Kissell	Nye	Snyder
Klein (FL)	Oberstar	Souder
Kline (MN)	Obey	Space
Kosmas	Olson	Speier
Kratovil	Oliver	Spratt
Kucinich	Ortiz	Stark
Lamborn	Pallone	Stearns
Lance	Pascrell	Stupak
Langevin	Pastor (AZ)	Sullivan
Larsen (WA)	Paul	Sutton
Larson (CT)	Paulsen	Tanner
Latham	Payne	Taylor
LaTourette	Perlmutter	Teague
Latta	Perriello	Terry
Lee (CA)	Peters	Thompson (CA)
Lee (NY)	Peterson	Thompson (MS)
Levin	Petri	Thompson (PA)
Lewis (CA)	Pingree (ME)	Thornberry
Lewis (GA)	Pitts	Tiahrt
Linder	Platts	Tiberi
Lipinski	Poe (TX)	Tierney
LoBiondo	Polis (CO)	Titus
Loeb sack	Pomeroy	Tonko
Lofgren, Zoe	Posey	Towns
Lowe	Price (GA)	Tsongas
Luetkemeyer	Price (NC)	Turner
Lujan	Putnam	Upton
Lummis	Quigley	Van Hollen
Lungren, Daniel	Rahall	Velázquez
E.	Rangel	Visclosky
Lynch	Rehberg	Walden
Mack	Reichert	Walz
Maffei	Reyes	Wamp
Maloney	Richardson	Wasserman
Manzullo	Rodriguez	Schultz
Marchant	Roe (TN)	Waters
Markey (CO)	Rogers (AL)	Watson
Markey (MA)	Rogers (KY)	Watt
Marshall	Rogers (MI)	Waxman
Massa	Rohrabacher	Weiner
Matheson	Rooney	Welch
Matsui	Ros-Lehtinen	Westmoreland
McCarthy (CA)	Roskam	Wexler
McCarthy (NY)	Ross	Whitfield
McCaul	Rothman (NJ)	Wilson (OH)
McClintock	Roybal-Allard	Wilson (SC)
Guthrie	Royce	Wittman
McCollum	Ruppersberger	Wolf
McCotter	Rush	Woolsey
McDermott	Ryan (OH)	Wu
McGovern	Ryan (WI)	Young (AK)
McHenry	Salazar	Young (FL)
McIntyre		
McKeon		

NOT VOTING—15

Baird	Harman	Pence
Barrett (SC)	Lucas	Radanovich
Boehner	McHugh	Scott (VA)
Delahunt	Miller, Gary	Serrano
Gohmert	Murtha	Yarmuth

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Celebrating the goals and ideals of 'Black Music Month'."

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1018, RESTORE OUR AMERICAN MUSTANGS ACT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-212) on the resolution (H. Res. 653) providing for consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, on roll call 571 on the passage of H.R. 3170, the Financial Services Appropriation, I was unavoidably detained. I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 648

Mr. KAGEN. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship of H. Res. 648.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO DR. CONSTANTINE PAPANAKIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. I rise today to honor a true visionary, a world-class intellect, and a leader of the first order, Dr. Constantine Papanakis. The passing of this extraordinary man has left a void that extends beyond the Philadelphia region to all corners of our Nation and his beloved birth country, Greece.

Dr. Papanakis served for 14 years as president of Drexel University. This