An amendment by Mr. FLAKE limiting funds for the West Virginia University Research Corporation for renovations of a small business incubator;

An amendment by Mr. FLAKE limiting funds for the City of Charlotte, North Carolina, Belvedere Business Park project;

An amendment by Mr. FLAKE limiting funds for the Historic Downtown Retail project, Valley Economic Development Center;

An amendment by Mr. FLAKE limiting funds for the Advantage West Economic Development Group Certified Entrepreneurial Community program;

An amendment by Mr. CAMPBELL of California limiting funds for Abraham Lincoln National Airport Commission;

An amendment by Mr. CAMPBELL of California limiting funds for the Wittenberg University East Asian Study Center;

An amendment by Mr. CAMPBELL of California limiting funds for 147 projects requested by Members of Congress and disclosed pursuant to the rules of the House;

An amendment by Mr. REGULA regarding the IRS;

An amendment by Mr. OBEY regarding earmarks; and

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

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

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

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

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I would like to simply bring a few facts of time to the House.

If we are not prepared to stay here and work until around 1 o'clock tonight, it is my estimation that if all of these amendments are offered tomorrow, even if a handful of them drop off, I think it will be virtually impossible for the House to finish its business by 6 or 7 o'clock tomorrow evening.

We have over 50 amendments. Each of them will take at least 10 minutes, plus the slippage that it takes to yield time and the rest. There are also three amendments which would take 30 minutes apiece, debating the very same issues that we debated for an hour and 20 minutes earlier today. There would then be another amendment that requires 40 minutes of debate time to debate an issue which does not exist. Then we will have the added slippage that comes from yielding time in pieces to various Members of the House. Then finally we have to add to that the amount of time it takes for the votes themselves, the amount of time it takes on the recommittal motion and the amount of time it takes for final passage.

I do not intend to object to this request, but I want it understood that if we proceed with a unanimous consent request that is being propounded now, and if we do not stay and consider amendments until around 1 o'clock, then it is a ''let's pretend'' promise to every Member of this House when we are giving them the impression that they will be able to get out of here soon enough in order to catch planes tomorrow.

Now, I am not going anywhere. I am going to be here reading Members' earmark requests between now and next Wednesday. So I am not going anywhere. But for 90 percent of the Members, who I think would appreciate it if every Member of this place would sublimate their own egos just a mite for the good of the body, I would urge that both sides of the aisle demand that Members take up their amendments tonight, rather than waiting until tomorrow, at least enough to keep us here until 1 o'clock.

Now, it is not convenient to me. It is not convenient to the gentleman from New York. It certainly is not convenient to the ranking minority member from Ohio for us to stay this late. Nobody else has to, except the persons who asked to offer these amendments.

But if you ask to offer an amendment, then I think you have an obligation to offer it in a timely fashion and not wait so that everybody can be a TV star in prime time. Because, you know what? I participated in the debate today, and I watched the debate that I didn't participate in. It was, frankly, boring as all get out. With all due respect to everybody here who thinks they are Laurence Olivier or Daniel Webster, I ''ain't'' seen many of either lately.

So I would simply suggest, Members need to understand why they aren't going to get their planes tomorrow if we don't stay here until 1 o'clock tonight.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 517 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. 2829.

□ 2130

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. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the order of the House of today, no amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 2829

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, 2008, 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, $250,591,000, of which not to exceed $10,115,000 is for executive direction program activities; not to exceed $9,700,000 is for general counsel program activities; not to exceed $45,450,000 is for economic policies and programs activities; not to exceed $29,069,000 is for financial policies and programs activities; not to exceed $56,475,000 is for terrorism and financial intelligence activities; not to exceed $19,010,000 is for Treasury-wide management policies and programs activities; and not to exceed $80,772,000 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 2 percent by all such transfers: *Provided further,* That any change in funding greater than 2 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, 2009, for information technology modernization requirements; not to exceed

$150,000 for official reception and representation expenses; and not to exceed $258,000 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, $5,114,000, to remain available until September 30, 2009, 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, $3,000,000, to remain available until September 30, 2009, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $2,300,000, to remain available until September 30, 2009, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, $2,100,000, to remain available until September 30, 2010, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements.

Mr. REGULA. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished minority whip to engage in a colloquy.

Mr. BLUNT. Mr. Chairman, I would like to inquire of my friends, the chairman and the ranking member, whether they are willing to work with me going forward on a solution for two broadcasters that cover the Joplin, Missouri, Pittsburgh, Kansas, broadcast area. This includes a significant portion of my district.

Due to the forthcoming digital transition, which Congress has already authorized for early 2009, the channel allocation assigned to KFJX, a local FOX affiliate, is likely to be shared with emergency first responders. This could result in significant service disruptions for both the station and the first responders. Another local station, CBS affiliate KOAM, has offered to make available spare spectrum for KFJX's use after the transition, which should provide a solution to the problem.

Unfortunately, due to the fact that one of these stations, KFJX commenced operations after the FCC issued viable digital channels for all existing broadcasters, at this point the FCC believes it is unable to make the proposed change without congressional intervention. I would like to work with my friends in order to fix this problem as this bill works its way through the process.

Mr. REGULA. I thank the gentleman for his concern regarding this important issue. The digital transition will have many consequences, some unintended, such as the situation the gentleman described in Missouri.

I look forward to working with the minority whip, the chairman, and the FCC to bring resolution to this issue over the next few months and prior to the enactment of this bill.

Mr. Chairman, I yield to the chairman of the subcommittee.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from Missouri for raising some important concerns about the effect of the digital transition on broadcasters in his home State. I will be glad to work with the gentleman and the ranking member to try to come to a satisfactory resolution of the matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $18,710,000, to remain available until September 30, 2010: *Provided*, 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''.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank Chairman SERRANO for yielding to me. I appreciate the opportunity to work with the gentleman from New York on this issue.

As the chairman of the Subcommittee on the Federal Workforce Postal Service and District of Columbia, I look forward to working closely with my colleagues on issues within our subcommittee's jurisdiction.

In 1971, Congress made the Postal Service self-sustaining. However, Congress continued to subsidize the mailing cost of the blind, nonprofit organizations, local newspapers, and publishers of educational material. It did so by providing an appropriation to the Postal Service to cover the revenues it had given up or ''foregone'' by charging below cost rates to these groups. Appropriations for these subsidies increased as postage rates and the number of nonprofits grew, approaching $1 billion annually in the mid-1980s.

In the early 1990s, Congress did not appropriate enough to cover these costs and refused to let the Postal Service invoke its statutory right to raise rates to cover the shortfall. The Postal Service pleaded that providing social subsidies was not part of its mission, hindered its competitiveness, and was more regressive than taxation with its impact.

The Revenue Forgone Reform Act of 1993 eliminated appropriations to support reduced rates for nonprofits, which effectively transferred the costs to other mailers. The Act retained free postage only for the blind and for overseas absentee ballot materials. Appropriations for subsidizing that narrow purpose have been in the range of $60 million to $100 million each year.

The 1993 Act also provided for an annual payment of $29 million each year for 42 years to pay off the debt accumulated in the early 1990s. Congress has appropriated this amount every year from 1994 through 2006, even though the President's fiscal year 2005 and fiscal year 2006 budgets proposed to eliminate the payment. Failure to fund this authorized appropriation places the remaining debt of more than $800 million at risk of nonpayment which would significantly increase postal costs. In addition, not providing funds for these services over time will require the Postal Service to record these obligations as a bad debt and will unfairly transfer these costs to postage ratepayers whose costs have already increased due to the recent rate determinations by the Postal Rate Commission.

It is important to note that Congress entered into this arrangement and has covered the $29 million each year without fail since the 1993 Revenue Foregone Act was enacted. By reneging on our obligation, we place the fiscal well-being of the Postal Service at risk. We also send a signal that Congress will not stand behind free mail for the blind and overseas absentee balloting materials, something we should not be doing.

For the record, I note that in addition to our subcommittee letter to the Appropriations Committee requesting that the $29 million in revenue foregone reimbursement be restored, a number of postal stakeholders echoed the request: Postal labor unions and management, the Alliance of Nonprofit Mailers, and the postmaster general all want the revenue foregone payment honored.

I ask the chairman: Will the chairman support restoring this important funding when the bill goes to conference with the Senate?

Mr. SERRANO. Reclaiming my time, the gentleman has made important observations regarding the necessity of keeping Congress' commitment to repay this long-term debt to the Postal Service. I agree with my colleague that failure to meet this commitment would adversely affect the future financial stability of the Postal Service and eventually force it to take actions that would increase cost for postal consumers. I want to assure the gentleman that I will work hard to reach an agreement with the Senate that produces a conference report that provides the $29 million payment.

Mr. Chairman, I would also like to take this opportunity to call on the administration to resume including these funds in its budget requests. The revenue forgone appropriation has not been part of the President's budget request since fiscal year 2004.

As I have previously stated, this bill's budget allocation is $243 million below the President's request, so we are placed in a very difficult position when we have to find money for critically important items that have been left out of the President's budget.

I strongly urge the administration to recognize the importance of the revenue foregone appropriation and include it in future budgets.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Montana (Mr. REHBERG), a member of the subcommittee.

Mr. REHBERG. Mr. Chairman, in light of the distressing statistics regarding the Office of National Drug Control Policy's National Youth Media Campaign, and its subsequent reduction within our committee, I rise today to let my colleagues know that it is possible to design, implement and evaluate youth anti-drug marketing.

Methamphetamine is a real problem across this great Nation, and no State is immune to its horrible effects. Montana ranks among the top 10 States nationally in per capita treatment admissions for methamphetamine use.

The statistics in Montana are truly staggering. Fifty-two percent of the children who are placed in out-of-home care are there because of meth.

Fifty percent of adults incarcerated at State prisons are there due to meth.

Twenty percent of Montanans in addiction treatment are there because of meth.

While many people would simply nod their heads and agree this is a terrible problem, some good people in Montana have taken it upon themselves to do something about it.

Tom Siebel, who lives in Wolf Creek, is an outstanding Montanan who did something that many of us could not do. He decided to use his own money to fund a prevention campaign to help raise awareness about the dangers of first time methamphetamine use. Tom Siebel founded the Montana Meth Project in 2005, which has been conducting research and running a statewide multi-media public awareness campaign aimed at significantly reducing first-time methamphetamine use through public service messaging, public policy, and community outreach.

Results from the Montana Meth Use & Attitudes Survey conducted earlier this year show the dramatic and successful impact that the Montana Meth Project's public education campaign has had on its intended audience.

Over the past 2 years, there has also been a dramatic shift in the perception of methamphetamine use, more frequent parent-child communications about the dangers of methamphetamine, and greater societal disapproval. For the first time, meth use and associated crime in Montana has declined.

The States of Arizona and Idaho are using Montana's hard-hitting ads and successful approach, launching similar youth media campaigns. Clearly, the efforts of the Montana Meth Project are working.

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

Mr. Speaker, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER), a distinguished member of the subcommittee and famous Orioles fan.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of the fiscal year 2008 Financial Services Appropriation, and I urge Members to vote for this bill. It is an excellent bill approved by the subcommittee unanimously. It is below the President's request, and fulfills our obligation to be efficient with the taxpayers' dollars. I commend Chairman SERRANO and Ranking Member REGULA for their leadership and their bipartisan achievement.

As a former prosecutor and county executive, I am especially proud of several initiatives in the bill. I would like it highlight one program specifically. There is $226 million, a $6 million increase, over the President's budget for high-intensity drug trafficking areas. HIDTA funding enables local, State and Federal law enforcement to work together in fighting the war against drugs.

As a county executive in Baltimore County, we worked with HIDTA to bring everyone to the table who had a stake in stopping drug trafficking. We don't stop drug buys with just a single piece of information. It takes solid policework, intelligence, and trained experts analyzing information to help officers make the drug arrests.

□ 2145

The HIDTA program is making a major impact in areas like Baltimore, Chicago, Houston, Los Angeles, Philadelphia, New York and other locations. Statistics show that drugs are connected to over 70 percent of all violent crime in the United States. This increase in HIDTA funding helps protect this country and our communities against drug dealers and other violent criminals.

I urge my colleagues to support the Financial Services appropriations bill.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $18,450,000, 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; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $140,533,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Sections 101(a)(1), 102, 104, and 107(2) of the Air Transportation Safety and System Stabilization Act (title I, Public Law 107–42) are hereby repealed. All unobligated balances under this heading are rescinded.

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 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, $83,344,000, of which not to exceed $16,340,000 shall remain available until September 30, 2010; and of which $8,955,000 shall remain available until September 30, 2009: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $234,423,000, of which not to exceed $9,220,000 shall remain available until September 30, 2010, 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, $93,515,000; 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 2008 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $33,200,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States,

$182,871,000, 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, 2010, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2008 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 2008 appropriation from the general fund estimated at $172,871,000. In addition, $70,000 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

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, $100,000,000, to remain available until September 30, 2009, of which up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $7,500,000 may be used for the cost of direct loans, and 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 $15,000,000.

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, $2,155,000,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than $179,600,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses 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 of 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, $4,925,498,000, of which not less than $57,252,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to the Internal Revenue Service Operations Support appropriation 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.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to operate and support taxpayer services and tax law 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 US.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,769,587,000, of which $75,000,000 shall remain available until September 30, 2009, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2010, for research; of which not to exceed $1,600,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $282,090,000, to remain available until September 30, 2010, 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), $15,235,000.

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 manpower 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.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,822,000,000 shall be available only for tax enforcement and related support activities funded in Internal Revenue Service, ''Enforcement'' and ''Operations Support''. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, an additional $406,000,000 shall be available for tax enforcement and related support activities.

SEC. 106. Not more than $1,000,000 of the funds made available in this or any other Act may be used to enter into, renew, extend, administer, implement, enforce, provide oversight of, or make any payment related to any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

SEC. 107. Section 9503(a) of title 5, United States Code, is amended by striking ''for a period of 10 years after the date of enactment of this section'' and inserting ''before July 23, 2013''.

SEC. 108. Sections 9504 (a) and (b), and 9505(a) of title 5, United States Code, are amended by striking ''For a period of 10 years after the date of enactment of this section'' each place it occurs and inserting ''Before July 23, 2013''.

SEC. 109. Section 9502(a) of title 5, United States Code, is amended by striking ''Office of Management and Budget'' and inserting ''Office of Personnel Management''.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 110. 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.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we have just passed an amendment that was going to be offered by one Member on our side of the aisle.

I want to make the point that if Members expect us to call them, they are wrong. As far as I am concerned, we are not running a baby-sitting service. If Members want to offer their amendments tonight, they have an obligation to pay attention and be here in a timely fashion.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 111. 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. 112. 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. 113. 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. 114. 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. 115. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to 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. 116. Section 122(g)(1) of Public Law 105–119, as amended (5 U.S.C. 3104 note), is further amended by striking ''8 years'' and inserting ''10 years''.

SEC. 117. 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 House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 118. 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.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2008''.

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 section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

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; $53,156,000: *Provided,* That of the funds appropriated under this heading, up to $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,814,000, 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 section 3717 of title 31, United States Code: *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, $1,600,000, to remain available until expended, for required maintenance, 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.), $4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

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, $3,482,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,640,000.

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, $92,829,000, of which $11,923,000 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, $78,394,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying statement of the managers except as otherwise provided by law: *Provided further,* 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 the preceding shall not apply to printed hearings released by the Committees on Appropriations: *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, $26,636,000; of which $1,316,000 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.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $10,000,000, which shall remain available until expended, consisting of $5,000,000 for counternarcotics research and development projects, and $5,000,000 for the continued operation of the technology transfer program: *Provided*, That the $5,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

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 authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $226,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities: *Provided*, That up to 49 percent, to remain available until September 30, 2009, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2007, shall be funded at no less than the fiscal year 2007 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Area Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2007 budget request.

AMENDMENT OFFERED BY MR. BOOZMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOOZMAN:

Page 27, line 6, insert before the period the following: ''*: Provided further*, that $6,000,000 shall not be made available until the Director of the Office of National Drug Control Policy certifies in writing that regulations established for the designation of high intensity drug trafficking areas include a requirement that the Director, in considering whether to designate an area as a high intensity drug trafficking area, shall consider whether the area lies within a State that already receives assistance under the High Intensity Drug Trafficking Areas program''.

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

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Arkansas (Mr. BOOZMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. Chairman.

My amendment would encourage the Office of National Drug Control Policy to give careful consideration to States that do not currently benefit from the HIDTA program when considering the request of law enforcement agencies for a new HIDTA designation.

The Office of National Drug Control Policy Reauthorization Act of 2006 was enacted on December 27, 2006. This law requires the Director of ONDCP to establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area.

My amendment would require that of the $226 million in HIDTA funding in the underlying bill, $6 million will not be made available until the Director of the ONDCP certifies in writing that specific regulations have been established for the consideration of HIDTA application. Specifically, the Director must take into consideration whether an area that may be designated as a HIDTA lies within a State that already receives assistance from the HIDTA program.

I do not believe we should mandate a preference for States like Arkansas that have been overlooked in the designation process, but I do believe we should encourage ONDCP to take this fact into consideration when reviewing HIDTA applications.

I have seen the tragic effects of increased drug manufacturing and trafficking in Arkansas, especially the trafficking of meth. Arkansas is one of several States, including Minnesota, North Carolina, South Carolina, Delaware and several others, that have been excluded from the HIDTA program, despite many characteristics that make it both an ideal setting for illegal drug manufacturing and perfectly situated for trafficking.

In recent years Arkansas has made great progress and has much to be proud of, but we still face serious challenges when it comes to drug trafficking. Our State has one of the most serious meth problems per capita of any State in the country. Our State has become home to branches of some of the Nation's major gangs and has a transportation network that makes it ideal for drug traffickers targeting metropolitan areas, including St. Louis, Little Rock, Chicago, Memphis, Kansas City and so on. My congressional district has one of the top 10 fastest-growing metropolitan statistical areas in the Nation, and recently our State's largest city found itself high on a list of cities in the Nation suffering from violent crime.

Again, I am really discouraged in the sense that despite all of these facts, Arkansas and several States in similar situations have been overlooked in the HIDTA designation process. I don't ask for special preference for my State, but I do request that ONDCP give fair consideration to States in my situation.

I want to thank the chairman and ranking member for their hard work on the underlying bill. But again, this is just an effort to try and help the States that are in the same situation as Arkansas.

POINT OF ORDER

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

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties. Therefore, I ask for a ruling from the Chair.

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

The amendment is in the form of a limitation. Under clause 2(c) of rule XXI, an amendment in that form is not in order until the entire bill has been read. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $197,800,000, to remain available until expended, of which the amounts are available as follows: $93,000,000 to support a national media campaign: *Provided*, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of

service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation; $90,000,000 to continue a program of matching grants to drug-free communities, 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 training and technical assistance for drug court professionals; $1,000,000 as directed by section 1105 of Public Law 109–469; $1,000,000 for demonstration programs as authorized by section 1119 of Public Law 109–469; $9,600,000 for the United States Anti-Doping Agency for anti-doping activities; $1,700,000 for the United States membership dues to the World Anti-Doping Agency; and $500,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

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.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE 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, $4,432,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, 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, $320,000: *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

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''White House Office'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisors'', ''National Security Council'', ''Office of Administration'', ''Office of Policy Development'', ''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 House and Senate Committees on Appropriations, 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 President shall submit to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading ''Office of National Drug Control Policy'', a financial plan on the proposed uses of all funds under the heading on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2008''.

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, $66,526,000, 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 the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $12,201,000, 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, $27,976,000.

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, $16,544,000.

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, $4,660,590,000 (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.

AMENDMENT NO. 35 OFFERED BY MR. CUELLAR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. CUELLAR:

Page 33, line 11, insert after the dollar figure the following: ''(increased by $10,000,000)''.

Page 41, line 10, insert after the dollar figure the following: ''(reduced by $10,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Thank you, Mr. Chairman.

First of all, I want to thank Chairman JOSE SERRANO and Ranking Member RALPH REGULA for their leadership in bringing this appropriation bill forward.

My amendment is simple. Working with my colleague Mr. TED POE, it strives to alleviate the strain that we have on the Federal district courts along the U.S.-Mexico border. In recent years, the rising number of criminal immigration cases has created considerable strain to those Federal district courts. For those courts, the percentage of criminal cases have gone to upward of 70 percent of the criminal casework that they have. The average Federal judge in a border district court sees 306.5 criminal cases per year compared with the national average of 83 cases a year.

□ 2200

The subsequent backlog has impeded the ability of the district courts to process cases in a timely manner. This backlog will only be increased with the additional funding and emphasis put into the border enforcement by Congress.

The backlog has hindered the due process for U.S. citizens and immigrants. Many defendants have fallen through the cracks, as it can take up to a year to receive judicial action. It is important that our Nation's court system not be overextended by the lack of judges.

This bipartisan amendment is a companion to the legislation I introduced, H.R. 1909, the Federal Criminal Immigration Courts Act of 2007. That legislation utilizes the recommendations of the 2007 judicial conference to increase the number of Federal judgeships in those district courts most impacted by immigration cases.

The additional judges will help ease the burden on the system and will ensure these cases will be handled in a timely manner. With your help, we can move forward in making sure our judiciary keeps up with the increased demand that we have along the border.

I believe an agreement with the chairman that I will withdraw this amendment and work with the chairman to work with them to try to get this funded in the conference committee.

Mr. SERRANO. Would the gentleman yield?

Mr. CUELLAR. Yes.

Mr. SERRANO. I will continue to work with you on this issue. I know how important it is to you and to our country. You have that commitment from us.

Mr. CUELLAR. Mr. Chairman, I don't see Mr. POE here, but we did talk about withdrawing this amendment. We ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 $4,099,000, 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 the Criminal Justice Act of 1964 (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) 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 of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $830,499,000, 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 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,350,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

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, installation, 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), $396,476,000, 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, $75,667,000, 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, $23,994,000; of which $1,800,000 shall remain available through September 30, 2009, 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), $59,400,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,300,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,700,000.

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, $15,477,000, 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 605 and 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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.

SEC. 305. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) is amended in the sixth sentence (relating to the Northern District of Ohio), by striking ''15 years'' and inserting ''20 years''.

This title may be cited as ''The Judiciary Appropriations Act, 2008''.

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 Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

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

For 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, $3,352,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia 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 of which not to exceed $352,000 is for the District of Columbia National Guard: *Provided*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

DISTRICT OF COLUMBIA COURTS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $256,395,000, to be allocated as follows: for the District of Columbia Court of Appeals, $10,800,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $100,543,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $54,052,000, of which not to exceed $1,500 is for official reception and representation expenses; and $91,000,000, to remain available until September 30, 2009, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of Funds'' found at 48 CFR 52.232–18: *Provided further*, 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 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 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. 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), $52,475,000, 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 $91,000,000 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 $91,000,000 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 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, $190,343,000, of which not to exceed $2,000 is for official receptions 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 not to exceed $400,000 for the Community Supervision program and $160,000 for the Pretrial Services program, both to remain available until September 30, 2009, are for Information Technology infrastructure enhancement acquisitions; of which $140,499,000 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 $49,849,000 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 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 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, $32,710,000: *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 TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $12,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provide a match of $7,000,000 and the District of Columbia provide a match of $5,000,000 in local funds for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, 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 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, $6,148,000: *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) a report on the activities to be carried out with such funds no later than March 15, 2008, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2008.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $40,800,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand

quality public charter schools in the District of Columbia, to remain available until September 30, 2009; for the Secretary of the Department of Education, $14,800,000 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 $1,800,000 may be used to administer and fund assessments.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $10,000,000, to remain available until September 30, 2009, for costs associated with the construction of a consolidated laboratory facility: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

For a Federal payment to the District of Columbia, $10,000,000, to remain available until expended, for the Federal contribution toward costs associated with the renovation and rehabilitation of District libraries.

FEDERAL PAYMENT TO REIMBURSE THE FEDERAL BUREAU OF INVESTIGATION

For a Federal payment to the District of Columbia, $4,000,000, to remain available until September 30, 2010, for reimbursement to the Federal Bureau of Investigation for additional laboratory services, including DNA analysis, performed for cases currently waiting analysis.

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, 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 2008 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 $9,777,362,000 (of which $6,022,444,000 shall be from local funds, $2,015,853,000 shall be from Federal grant funds, $1,730,503,000 shall be from other funds, and $8,562,000 shall be from private funds), in addition, $116,552,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $153,900,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $648,289,000: *Provided further*, That in addition, for capital construction projects, there is appropriated an increase of $1,595,503,000, of which $1,042,712,000 shall be from local funds, $38,523,000 from the District of Columbia Highway Trust Fund, $73,260,000 from the Local Street Maintenance Fund, $75,000,000 from revenue bonds, $150,000,000 from financing for construction of a consolidated laboratory facility, $30,000,000 for construction of a baseball stadium, $186,008,000 from Federal grant funds, and a rescission of $212,696,000 from local funds appropriated under this heading in prior fiscal years (of which $187,450,000 are from local funds and $51,444,000 are from the Local Street Maintenance Fund), for a net amount of $1,382,807,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be subject to the provisions of and allocated and expended as proposed under ''Title III—District of Columbia Funds'' of the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 7, 2007: *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 approved December 24, 1973 (87 Stat. 777; D.C. Official Code, section 1–201.01 et seq.) as amended by this Act: *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 2008, 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, 2008''.

TITLE V

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, 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 $500 for official reception and representation expenses, $66,838,000.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $15,467,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs under the Help America Vote Act of 2002 (Public Law 107–252), $300,950,000: *Provided*, That of the amount appropriated under this heading, $300,000,000 shall be available for requirements payments under section 257 of such Act, but only for States that file a new State plan under section 253(b)(1) of such Act for fiscal year 2008: *Provided further*, That of the amount appropriated under this heading, $750,000 shall be available for the Help America Vote College Program under title V of such Act: *Provided further*, That of the amount appropriated under this heading, $200,000 shall be available for the National Student and Parent Mock Election under part 6 of subtitle D of title II of such Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

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, $313,000,000: *Provided*, That offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, of which $312,000,000 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 2008 so as to result in a final fiscal year 2008 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $312,000,000 in fiscal year 2008 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, 2007, 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 2008: *Provided further*, That in addition, not to exceed $20,980,000 may be transferred from the Universal Service Fund in fiscal year 2008, to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

FEDERAL DEPOSIT INSURANCE CORPORATION

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, $26,848,000, to be derived from the Deposit Insurance Fund and 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, $59,224,000, of which no less than $8,100,000 shall be available for internal automated data processing systems, and 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, $23,641,000: *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, $247,489,000, 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 $139,000,000 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 $20,000,000 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 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $88,489,000: *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

LIMITATION ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $88,144,000. Amounts in the fund, including the 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 $7,834,612,000, of which: (1) $524,540,000 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:

Arizona:

San Luis, Land Port of Entry I, $7,053,000.

California:

San Ysidro, Land Port of Entry, $37,742,000.

District of Columbia:

DHS Consolidation and development of St. Elizabeths campus, $275,133,000.

St. Elizabeths West Campus Infrastructure, $20,572,000.

St. Elizabeths West Campus Site Acquisition, $7,000,000.

Maine:

Madawaska, Land Port of Entry, $17,160,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $57,749,000.

Minnesota:

Warroad, Land Port of Entry, $43,628,000.

New York:

Alexandria Bay, Land Port of Entry, $11,676,000.

Texas:

El Paso, Tronillo-Guadalupe Land Port of Entry, $4,290,000.

Vermont:

Derby Line, Land Port of Entry, $33,139,000.

Nonprospectus Construction, $9,398,000: *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, 2009, 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) $733,267,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, Phase III, $172,279,000.

Joint Operations Center, $12,800,000.

Nebraska Avenue Complex, $27,673,000.

Nevada:

Reno, C. Clifton Young Federal Building and Courthouse, $12,793,000.

New York:

New York, Thurgood Marshall United States Courthouse, $170,544,000.

West Virginia:

Martinsburg, Internal Revenue Service Enterprise Computing Center, $35,822,000.

Special Emphasis Programs:

Energy Program, $15,000,000.

Design Program, $7,372,000.

Basic Repairs and Alterations, $278,984,000: *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, 2009, 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) $155,781,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,315,534,000 for rental of space which shall remain available until expended; and (5) $2,105,490,000 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, as amended, 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 section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (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 2008, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (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

POLICY AND OPERATIONS

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; Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management; 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; $142,945,000, of which $44,984,000 is for the Office of Government-Wide Policy: *Provided*, That any change in the amount specified herein for the Office of Government-Wide Policy may only be made 15 days following approval of the Committees on Appropriations.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARDOZA:
Page 65, line 17, insert after the first dollar amount ''(reduced by $14,295,000)''.

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

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I ask to withdraw the amendment that I just brought forward.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CARDOZA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDOZA:
Page 65, line 17, insert after the first dollar amount ''(reduced by $8,000,000)''.
Page 65, line 25, insert after the first dollar amount ''(increased by $6,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, shortly into my tenure as a Member of Congress in 2003 the General Services Administration, the GSA, notified me that my office space at the Bell Station in Merced, California, which I shared with the post office and the IRS would no longer be available for lease.

My office was in an historic building, and, most importantly, I was conveniently located downtown for my constituents. Despite my vigorous protests, I was literally kicked out of the Federal building.

If that wasn't enough of a slap in the face to my constituents and myself, 2 years later the GSA declared the Bell Station post office to be surplus property. The GSA closed the post office with no rhyme or reason and started to dispose of it, with no community input and no plan to replace our post office.

The GSA's handling of this situation was deplorable. The GSA turned a deaf ear to my constituents and ignored the needs of a local community.

In my 4½ years in Congress, nothing has elicited as many phone calls and letters and editorials to my local paper than the GSA's handling of post office closure in my hometown.

The GSA's blatant disregard for a community's needs hasn't only occurred in my district. This has been repeated with reckless abandon in districts across the country.

Make no mistake about it. This can happen to any Member of this Congress, and every community across America is at risk.

Three local entities in my home county attempted to obtain a historic building from GSA for public benefit use.

However, in the blink of an eye, and without advance notice to the applicants, the GSA reversed course. The GSA indicated it would put the building out for public auction and sell it to the highest bidder.

I have confirmed with the GSA experts that the GSA's activities are not only inconsistent with its mission, but are also well outside proper protocol.

I have made countless efforts to work with the GSA to rectify this situation in my district so that local communities can obtain the building. My repeated requests have been ignored. The GSA even refused to respond to a simple letter I wrote until I submitted amendments to this bill that would cut the GSA budget by 10 percent.

After panic set in at GSA, GSA sent a useless response that doesn't address a single one of my concerns, and leaves just enough wiggle room to back out of any promise of working with the original applicants. The GSA then delivered to a letter to other Capitol Hill offices, not to my own. When I was told that GSA representatives were in the Cannon Building today, they didn't even have the common courtesy to speak to me or my staff.

Mr. Chairman, this reeks of mismanagement. It shows a lack of oversight and accountability at GSA.

My amendment is very simple. It provides an additional $6 million to GSA's Office of the Inspector General. It is paid for by cutting the GSA's policy and operations account, including the Office of the Administrator and the Office of Congressional and Intergovernmental Affairs.

□ 2215

The Inspector General will ensure that the agency is operating in the best interest of taxpayers and is not beholden to the political process or to special interests.

It is absolutely critical that the Inspector General's office has the tools and resources it needs to hold the agency accountable for its actions. And it is critical that we, as Members of Congress, ensure that government is meeting the needs of our communities.

I strongly urge my colleagues to support the amendment.

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

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

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

Mr. REGULA. Mr. Chairman, I agree with the gentleman that the Office of Inspector General at the GSA needs adequate funds to operate. But, Chairman SERRANO's mark provided a level of funds that is both responsible and sufficient for the OIG.

In the fiscal year 2007 continuing resolution, the Congress provided $6 million in additional funds to the OIG. They were not able to spend these funds in the fiscal year, and have asked for the authority to assess them in fiscal year 2008. This authority has been granted by the committee.

Chairman SERRANO has made funding the Office of Inspector General and the other oversight offices one of his highest priorities in this bill. I commend him for his work, and oppose this attempt to change the committee mark.

I question the ability of the OIG to spend these additional funds this year, and I reiterate the fact that this was taken care of in the previous legislation. Therefore, I urge the defeat of this amendment.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I understand that the gentleman from California (Mr. CARDOZA) will agree to not offer his other amendment, which would call for deeper cuts to the account, if this one is agreed to.

I yield to the gentleman from California.

Mr. CARDOZA. The gentleman from New York is correct. I will be happy to withdraw my other amendment if, in fact, we adopt this amendment that is more acceptable to the committee.

Mr. SERRANO. In that case, Mr. Chairman, I have no objection to this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment as offered by the gentleman from California (Mr. CARDOZA).

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

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

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

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $47,382,000: *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 interagency 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, $2,970,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes 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 justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $2,500,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,798,000, to be deposited into the Federal Citizen Information Center Fund: *Provided,* That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $35,000,000: *Provided further,* That appropriations, revenues, and collections accruing to this Fund during fiscal year 2008 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. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 502. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 503. Funds in the Federal Buildings Fund made available for fiscal year 2008 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. 504. Except as otherwise provided in this title, no funds made available by this Act shall be used to transmit a fiscal year 2009 request for United States Courthouse construction that: (1) does not meet 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; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided,* That the fiscal year 2009 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 505. 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. 506. 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.

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, $37,507,000, 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.), $2,000,000, 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, $2,000,000, 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, $315,000,000: *Provided,* That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

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, $58,028,000, of which $38,315,000 shall remain available until September 30, 2009: *Provided,* That none of the multiyear 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, $16,095,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $10,000,000, to remain available until expended: *Provided,* That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2008, 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 not exceed $1,500,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 2008 shall not exceed $329,000.

COMMUNITY DEVELOPMENT CREDIT UNION 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, 2009 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, $11,750,000.

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, as amended; 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, $101,765,000, of which $5,991,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,351,000 shall remain available until expended for the Human Resources Line of Business project; $340,000 shall remain available until expended for the E-Payroll project; and $170,000 shall remain available until expended for the E-Training program; and in addition, $123,401,000 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 $26,465,000 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 2008, 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, $1,519,000, and in addition, not to exceed $16,981,000 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 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; $16,368,000.

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, $908,442,000, to remain available until expended; of which not to exceed $20,000 may be used toward funding a permanent 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 $867,045,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $41,397,000 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 2008 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2008 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; $22,000,000: *Provided*, 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.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Page 80, line 23, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 81, line 10, after the dollar amount, insert ''(increased by $10,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. My amendment presents the Members with a very simple choice: Do we want to continue to fund a government agency whose mission is obsolete, and whose expertise the President, the Pentagon and the House have all said will never be called upon, or do you want to fund a program that has a presence in every State in the Union and the territories, and helps small businesses, creates jobs and returns $2.82 in Federal revenue for every dollar invested?

Seems a simple choice to me. Perhaps not, but we'll see when we get to the vote.

Thirty years ago Jimmy Carter created and reactivated the Selective Service System. Now, he said this was symbolic, to send a message to the Soviet Union which had invaded Afghanistan. Well, today the United States of America is in Afghanistan in pursuit of the Taliban and al Qaeda and attempting to pacify that country. Surely that symbolism is no longer needed.

No one, no one in this House, two people, in fact, the last time we voted, said they wanted to reinstitute the draft. No one downtown at the administration says they want to reinstitute the draft. No one at the Pentagon says, under any scenario, that they envision reinstituting the draft. They prefer the All-Volunteer Force.

So if we were to transfer $10 million from this obsolete, Cold War, symbolic bureaucracy which has no function in today's society, in today's world, and is not necessary for today's readiness, we could create tens of thousands of jobs across America and assist small businesses to begin to create even more jobs.

I believe it's a very simple choice: $10 million from Selective Service, and add

$10 million to the SBDC. The Congressional Budget Office says it's budget-neutral. There are 1,100 SBDC offices, all 50 States, DC., Puerto Rico, Guam, American Samoa and the U.S. Virgin Islands. They're a collaborative effort. This is not a bureaucracy. This is not dumping money into the maw of Washington, DC.

State, local governments, the private sector and education community serve more than 1.3 million small businesses and aspiring entrepreneurs a year. Every Federal dollar, as I said earlier, invested in Small Business Development Corporations yields $2.82 in additional revenue to the Treasury. A new business is opened by an SBDC in-depth client every 33 minutes in the United States of America. Our entrepreneurs need this help.

Similarly, these clients create a new job every 7 minutes and generate $100,000 in sales every 9 minutes. What a great return on a Federal investment, to help American entrepreneurs put people to work in this country and make us competitive in the international community.

In my home State of Oregon, the SBDC has created 3,300 new jobs, generated new wages of more than $53 million. The SBDC has served more than 6,000 small businesses in Oregon alone. Across the Nation those numbers are obviously much larger.

The Association of Small Business Development Centers requested funding of $110 million for SBDCs for fiscal year 2008. That would essentially provide a catch-up for all the years in which their budget was restrained or cut by the previous Congress and the administration. That could create 110,000 new jobs, save an additional 110,000 jobs, and make $11.7 billion in new sales, preserve $8.4 billion in existing sales, and obtain $4.5 billion in financing to grow businesses, and generate $310 million in new Federal revenues for economic growth.

This, I believe, is a great investment in America. We do not need to continue dumping maw down the bureaucracy of the Selective Service System. They've been incompetent since day 1. Commercial databases could better provide the data we need if ever a draft were needed. And even if a draft were needed, guess what? We have no training capacity, so the people who were drafted would have to wait 6 months to a year in any case.

So we don't need an active, on-the-edge Selective Service System in this country for a draft that no longer exists and only two Members of the previous Congress thought should exist.

I believe this is a commonsense amendment. Put Selective Service in deep stand-by and help the Small Business Development Corporation live up to its full potential creating jobs and economic potential for this country.

I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New York seek time in opposition?

Mr. SERRANO. Yes, I do.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I rise in opposition to this amendment. Decreasing funding to the Selective Service by $10 million would effectively shut down the agency, and we need to understand that. Regardless of how you feel about this issue, the effect would be to shut down the agency.

Now, everyone know that I'm no fan of this war. With my votes that's been made clear. But we must recognize the value of the Selective Service as an inexpensive insurance plan to back up our Active Duty and Reserve Armed Forces. We have a war going on, and we have to have in place many institutions, if you will, and programs that will, at any moment's notice, respond to a congressional call for a draft or any other involvement.

Now, there's also something that we need to understand here. The gentleman wants to take $10 million and give it to the Small Business Administration. I think it's important to note first that prior to full committee markup, we had already increased the Small Business Administration by $40 million. That was above the President's request. In full markup we added another $80 million to the Small Business Administration.

□ 2230

So right now they are at $120 million above the President's request and additional dollars that were brought to light during this whole procedure.

So to send it over to small business is not only an interesting statement because it is a way to get support for something that may be unpopular like a draft, but the fact of life is that there probably could have been another 20 agencies that one could have selected to send money to if that was the point.

So I think that, number one, the Small Business Administration has been taken care of very well in this bill. Number two, there is no need and there should be no desire to cripple the Selective Service Administration, and for that reason, I would hope that our colleagues would vote against this amendment.

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

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

Mr. Chairman, I appreciate the intent of this amendment, and in the past I have often considered voting for it. But I have a far different attitude now than I had in the past because of the Iraqi War.

The fact is that we have no sustained demonstrations in the streets against Iraq, and, in my view, largely that is not occurring because we have no draft. And we have no draft because the country has settled into a comfortable acceptance of the idea that a precious few people, namely those in the regular Armed Forces of the country and those in the Guard and Reserves, should be the only people in our society who are at risk in this stupid and fruitless war. And I just cannot abide that.

I have said many times on this floor that I think it is outrageous that there is no sense of shared sacrifice about this war. We ask our Guard and Reserve personnel to return to Iraq and Afghanistan time and time and time again. And yet of the rest of society we ask nothing except to worry about Paris Hilton and to worry about who wins the Super Bowl, and, oh, yes, if you are a millionaire, we are going to spend $57 billion this year giving you a tax cut. That is really some sense of shared sacrifice.

And so I just cannot bring myself to vote for this amendment, though it might make sense on the numbers, because I think it would be a symbolic act which would send to the country yet another signal that the only people we expect to bear any burden for this stupid, outrageous, lied-to-get-into war are those in the military. And I just think that is wrong. I know that is not the gentleman's intent, but I think that is the practical signal that we send.

So I cannot vote for this amendment. I did not even want to speak against it, but this war bugs me a lot and the total lack of the willingness of this society to face the inordinate costs which we are laying on military families bugs me a whole lot more.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I just want to quote from former President Clinton in a 1994 letter to Congress, where he said, and I agree: ''Maintaining the Selective Service provides a hedge against unforeseen threats.''

And I also agree with the gentleman from Wisconsin that this is not the time, and I certainly urge my colleagues to oppose this amendment.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

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

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

The Clerk will read.

The Clerk read as follows:

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, $346,553,000: *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, to be available for carrying out these purposes without further appropriations.

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, $15,000,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $3,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $2,530,000, to remain available until expended; and for the cost of guaranteed loans, $80,000,000: *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 2008 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 2008 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 2008 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 2008, 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, $135,414,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

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 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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, $88,864,000, which shall not be available for obligation until October 1, 2008: *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 2008.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $45,069,000: *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. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 602. 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. 603. 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. 604. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, 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. 605. 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. 606. 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. 607. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 608. 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 sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 609. 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. 610. 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 2008, 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 $1,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $1,000,000 or 10 percent, whichever is less; or (7) reorganizes offices, programs, or activities unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit an operating plan to the Committees on Appropriations of the Senate and of the House of Representatives 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. 611. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 612. 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. 613. 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. 614. 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. 615. 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. 616. The provision of section 615 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. 617. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic 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. 618. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 619. Notwithstanding section 10(b) of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2009(b)), hereafter, at the request of the Board of Trustees of the Harry S Truman Scholarship Foundation, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the Harry S Truman Memorial Scholarship Trust Fund, as provided in such section. All requests of the Board of Trustees to the Secretary provided for in this section shall be binding on the Secretary.

SEC. 620. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this 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. 621. For an additional amount under the heading ''Small Business Administration, Salaries and Expenses'', $61,318,000, to remain available until September 30, 2009, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities: *Provided*, That amounts made available under this section shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

TITLE VII—GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. Hereafter, funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 702. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2008 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. 703. 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 $12,888 except station wagons for which the maximum shall be $13,312: *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. 704. 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. 705. 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.

SEC. 706. 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. 707. 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. 13101 (September 14, 1998), 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. 708. 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. 709. Hereafter, no part of any appropriation contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been

nominated after the Senate has voted not to approve the nomination of said person.

SEC. 710. 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. 711. 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. 712. (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 2008, 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 2008, 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 2008, 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 2008 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 2008 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, 2007, 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, 2007, 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, 2007.

(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. 713. 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 expressly approved by the Committees on Appropriations. 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. 714. Notwithstanding section 1346 of title 31, United States Code, or section 710 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. 715. (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 section 3302 of title 5, United States Code, 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 services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

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

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

(6) 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

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

SEC. 716. Hereafter, no department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act 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 discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 717. 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 communication 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. 718. (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 quasi-religious 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. 719. 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 (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. 720. 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. 721. 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. 722. 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.

SEC. 723. 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 heretofor authorized by the Congress.

SEC. 724. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Rate 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 section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 725. Notwithstanding 31 U.S.C. 1346 and section 710 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.

SEC. 726. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Policy and Operations'' 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 interagency 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, and the Chief Acquisition Officers Council for procurement initiatives): *Provided further*, the total funds transferred or reimbursed shall not exceed $10,000,000: *Provided further*, 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. 727. 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. 728. Nothwithstanding section 1346 of title 31, United States Code, or section 710 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 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 the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 729. 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. 730. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is repealed.

SEC. 731. (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 of the agency; 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 nongovernmental 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 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. 732. (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. 733. 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. 734. 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. 735. 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. 736. 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. 737. (a) 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 House and Senate Committees on Appropriations.

(b) The report in (a) shall detail—

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency, and each bureau or office within, which is contributing funds; and

(4) a description of any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 738. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency that, on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000; and

(C) the contractor does not receive an advantage for a proposal that would reduce costs for the Federal Government by—

(i) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;

(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Federal Government for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

(iii) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Federal employees under chapter 84 of title 5, United States Code.

(2) This paragraph shall not apply to—

(A) the Department of Defense;

(B) section 44920 of title 49, United States Code;

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act;

(D) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(E) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this Act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

(c) BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.—

(1) ELIGIBILITY TO PROTEST.—

(A) Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under OMB Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.''.

(B)(i) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''§ 3557. Expedited action in protests for public-private competitions.

''For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.''.

(ii) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests for public-private competitions.''.

(2) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(3) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by paragraph (1)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by paragraph (2)), shall apply to—

(A) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(B) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

(d) LIMITATION.—(1) None of the funds available in this Act may be used—

(A) by the Office of Management and Budget to direct or require another agency to take an action specified in paragraph (2); or

(B) by an agency to take an action specified in paragraph (2) as a result of direction or requirement from the Office of Management and Budget.

(2) An action specified in this paragraph is the preparation for, undertaking, continuation of, or completion of a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(e) APPLICABILITY.—This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

□ 2245

AMENDMENT NO. 15 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment as the designee for the gentleman from Texas (Mr. SESSIONS).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PRICE of Georgia:

Strike section 738 (page 117, line 9, through page 124, line 13) and redesignate the succeeding provisions accordingly.

The Acting CHAIRMAN. Pursuant to the order of the House of today, 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, the gentleman from Texas is unable to be here this evening, although this is, indeed, his amendment. I would ask unanimous consent that it be identified as such for all proceedings of the House.

The Acting CHAIRMAN. The Chair cannot entertain the gentleman's request.

Mr. PRICE of Georgia. Mr. Speaker, this amendment would strike section 738 of this legislation, which, as drafted, would have the same effect as language already included in a number of the Democrat majority's other appropriations bills, preventing funds from being spent to conduct public/private competitions.

While this policy may be good for increasing dues payments to public-sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core mission when Congress takes the opportunity to save money through competition away from them.

In 2006, Federal agencies ''competed'' only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civil workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 10 years. Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with annualized expected savings of more than $1 billion.

But the particular language included in this bill is even worse. The underlying language goes further than past Democrat efforts to gut public/private competition by unnecessarily delaying and complicating how the most efficient delivery of commercial activities is determined. This newest attempt to stack the deck against competition for services that can easily be found in the Yellow Pages also creates uneven and duplicative protest rights and intrusive new data requirements, while ignoring the consideration of quality in determining the best source of commercial services for the taxpayer.

In short, Mr. Chairman, by allowing this language to remain in the underlying legislation, approximately $200 million in expected annual savings from planned competitions will be placed at risk.

Additionally, by removing quality from the list of factors in determining who wins a competition, this bill would double costs in many competitions. In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of the tools it can to find taxpayer savings and reduce the cost of services that are already being provided by thousands of hardworking private companies nationwide.

At this point I will insert into the RECORD a letter of support for this amendment from the Fair Competition Coalition. A portion of that letter reads, This provision will discourage many private-sector firms from participating in the competitive sourcing contracting process. Section 738 would penalize private-sector bidders that offer health insurance benefits to their employees. The Office of Management and Budget reports that the competition under the A–76 process creates an average savings of 15 to 20 percent for the American taxpayer.

THE FAIR COMPETITION COALITION,
June 27, 2007.

DEAR REPRESENTATIVE: As you continue consideration of the FY 2008 appropriations bills, I would like to bring to your attention some anticompetitive language that was included in Section 738 of the FY 2008 Financial Services and General Government Appropriations Act. This provision will discourage many private sector firms from participating in the competitive sourcing contracting process, which is being held at most Federal agencies. The members of the Fair Competition Coalition ask that you support an amendment offered by Representative Pete Sessions (R–TX) which would strike the Section 738 language from the bill.

Section 738 would penalize private sector bidders that offer health insurance benefits to their employees. In an unprecedented intrusion into the competitive process, this provision singles out one benefit element, and ignores the reality of the total compensation packages commonly offered in the private sector. These compensation packages typically include a wide range of health, matching retirement, bonus/incentive, professional and personal development, and other benefits. It also undermines and ignores unique and innovative health benefits plans, particularly those that are provided by the small business community.

Section 738 also would allow employees of the Federal government to protest the award to the private sector. Congress and the Executive Branch have properly excluded Federal employees from challenging agency management decisions in Federal court. Beyond the constitutional questions of whether such action creates the required ''case or controversy,'' the President has properly asserted his responsibility to supervise the ''unitary'' executive branch and opposed establishing ''interested party'' status for these decisions.

Already many companies are not pursuing A–76 competitions, and the language in Section 738 will drive companies further away from the process. The Office of Management and Budget reports that the competition under the current A–76 process creates an average savings of 15% to 20% for the American taxpayer. The proven benefits of competitive sourcing are too high to place arbitrary restrictions on the program. We urge you to support effectiveness and efficiency in Government by voting YES to the Sessions amendment.

If you have any questions, please contact our Coalition points of contact: Michele Kaplan of the Professional Services Council or Kent Sholars of the Contract Services Association.

Sincerely,

Aerospace Industries Association, American Congress on Surveying and Mapping, Airport Consultants Council, American Council of Independent Laboratories, American Council of Engineering Companies, American Electronics Association, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Construction Management Association of America, Contract Services Association of America.

Design Professionals Coalition, Electronic Industries Alliance, Information Technology Association of America, Management Association for Private Photogrammetric Surveyors, National Association of RV Parks and Campgrounds, National Defense Industrial Association, National Federation Of Independent Business, Professional Services Council, Small Business Legislative Council, Textile Rental Services Association of America, The National Auctioneers Association, United States Chamber of Commerce.

Mr. Chairman, I urge all of my colleagues to follow the advice of that letter and support this commonsense taxpayer-first amendment to oppose the underlying provision to benefit public-sector union bosses by keeping cost-saving competition available to the government.

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

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

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

Mr. SERRANO. Mr. Chairman, the provisions of this bill ensure that when Federal employees compete with private contractors, it will be done on a level playing field.

The administration's push to contract out Federal employees' jobs is part of a massive push towards private contracting by this administration. Federal contracts rose from 207 billion in 2000 to roughly 400 billion in 2006.

The New York Times reported in February that the increase in contracting is driven by a philosophy that encourages outsourcing almost everything government does. I may add that the day is not far off when they will try to outsource the Congress.

The administration claims that it wants a smaller government, yet it has promoted a hidden workforce of private-sector contractors and grantees who get rich off the government, but are not accountable. The number of contractors increased by 2.5 million since 2002, which is 98 percent higher than the slight increase in the Civil Service workforce.

Congress has raised serious questions regarding the cost-effectiveness in this level of contracting and of outsourcing many Federal employees' functions. In many cases we see government employees working side by side with contractors with the same responsibilities, yet their compensation, benefits, protections and accountability are much different. These are serious issues.

This amendment would strike the modest improvements in the competitive sourcing language that has been carried on appropriations bills for several years. These improvements would help protect the rights of Federal employees.

And let me just comment on the fact that this amendment not only takes out the language that was included in

this bill, but, in fact, takes a full step backward and undoes that which we have done in past bills, even during the time that the Republicans were in control of the House.

What we do here is ensure that a contractor does not receive a cost advantage by not offering a health plan, or offering an inferior health plan or retirement plan to its employees, assuring appeals rights for Federal employees in cases of privatization decisions that adversely affect them just as contractors currently have appeal rights, and ensuring that OMB doesn't direct or request agencies to conduct competitions if they otherwise would choose not to.

This is really just an unnecessary amendment. It is directed at destroying the last bit of opportunity the Federal employees have for full protection. That has to be made clear. There is no need for this amendment other than to try to outsource everything and destroy the Federal workforce.

We all have great respect for our Federal employees. Throughout the history of this Congress and in recent years, we've worked in a bipartisan fashion to reduce spending here and there, but this just goes at the heart of this assault that this administration has on Federal employees. And for that reason, and so many others, I urge a strong ''no'' vote on this amendment.

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

Mr. PRICE of Georgia. Mr. Chairman, I respect the gentleman's comments.

I, too, have respect, as well we all do, for all Federal employees. But this is serious business. Spending the taxpayers' money is serious business. And outsourcing does one thing, private contracting does one thing: It provides for an opportunity to save hard-earned taxpayer money.

The majority says that they oppose and fight adamantly as they oppose no-bid contracts. So how can be it be consistent to oppose a competitive contracting process that allows private firms the opportunity to have outsource contracts?

This is a commonsense amendment. I offer it on behalf of the gentleman from Texas (Mr. SESSIONS).

I urge my colleagues to support this commonsense, fiscally responsible amendment.

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

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

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

Mr. OBEY. Mr. Chairman, I simply want to congratulate the gentleman for at least being willing to stay here and debate the amendment tonight. It's more than I can say for a whole lot of other people, and I respect him for that. Let me say, however, that I don't have quite as much high regard for his amendment.

Mr. PRICE of Georgia. Will the gentleman yield? It is Mr. SESSIONS' amendment.

Mr. OBEY. Well, whoever. I have minimum high regard for it, let me put it that way.

Mr. Chairman, I think we need to fully understand what is afoot with respect to contracting.

I want to cite some other facts, because there is an inexorable and stealthy effort to put much of the activities of government in the hands of contractors rather than in the hands of public servants. And more and more of that contracting is being provided in a noncompetitive manner. That also applies to many, many grants being provided by the executive branch.

For example, the Congressional Research Service documented an unusually large number of sole-source grants issued by the Employment and Training Administration within the Department of Labor, which resulted in 90 percent of discretionary funds for the High Growth Job Training Initiative being awarded on a noncompetitive basis over a 5-year period. It isn't just Halliburton and Blackwater who are getting lots of taxpayers' dollars in a noncompetitive fashion.

□ 2300

The administration's use of contracting has increased significantly in the past 5 years. For example, the Department of Health and Social Services' contract obligations have nearly doubled from $5 billion in fiscal year 2001 to $8.7 billion in fiscal year 2006. The number of contract employees at the Department of Health and Social Services exceeds 32,000, about half the number of Civil Service employees. A significant share of those contracts were awarded on a noncompetitive basis.

In fiscal year 2006 alone, Health awarded nearly 21,000 contracts worth more than $1.9 billion with less than full and open competition. That is four times the total amount of congressionally directed earmarks that are expected to eventually be included in the Labor, Health, Education appropriation bill.

I won't even bother to get into what has been happening at the Education Department where local school districts have virtually been blackmailed into accepting contracts with book publishers preferred by the administration or else they are frozen out of the program entirely.

So I would simply say I think the gentleman's amendment is ill-advised, and when the time comes late tomorrow evening, I would hope that we will have a ''no'' vote on the amendment.

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 739. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2008 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.5 percent, and this adjustment shall apply to civilian employees in the Department of Homeland Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2008. Civilian employees in the Department of Defense who are eligible to be represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), but are not so represented, will receive the adjustment provided for in this section unless the positions are entitled to a pay adjustment under 5 U.S.C. 9902.

(b) Notwithstanding section 712 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2008 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2008.

SEC. 740. 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. 741. 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) or of section 552.224 of title 48 of the Code of Federal Regulations.

SEC. 742. 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 section 604(a)(3) of such Act shall be amended by adding to the end the following:

''(G) executive departments and agencies in connection with the issuance of government-sponsored individually-billed travel charge cards.'':

Provided further, 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 guidelines 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. 743. CROSSCUT BUDGET.—

(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 30 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. 744. 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 titles 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. 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.

SEC. 805. (a) None of the 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 2008, 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 title, 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 in the case of federal funds, the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each reprogramming conducted subject to this subsection, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

(c) The District of Columbia Government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through September 30, 2008.

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. (a) Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; sec. 1–601.01 et seq., D.C. Official Code), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (sec. 1–204.22(3), D.C. Official Code), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

(b) Notwithstanding section 8344(a) of title 5, United States Code, the amendment made by section 2 of the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004 (D.C. Law 15–207) shall apply with respect to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.

SEC. 808. No later than 30 days after the end of the first quarter of fiscal year 2008, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2008 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2009. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 809. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2)

to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, to the Committees on Appropriations of the House of Representatives and Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 810. (a) 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 paragraph, 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 is otherwise 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) the Mayor of the District of Columbia; and

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

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2008, an inventory, as of September 30, 2007, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 811. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel 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 Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 812. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 813. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2008 and October 1, 2008, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 814. 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. 815. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia; and

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools.

SEC. 816. (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, section 1–204.42), for all agencies of the District of Columbia government for fiscal year 2008 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 where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 817. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term ''action'' includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 818. The amount appropriated by this Act may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2007 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 819. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as ''Other-Type Funds'' in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 820. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198): *Provided*, That the

amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 821. (a) None of the 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.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 822. None of the 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. 823. (a) DIRECT APPROPRIATION.—Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607(a), D.C. Official Code) is amended by striking the first 2 sentences and inserting the following: ''There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter.''.

(b) CONFORMING AMENDMENT.—Section 11233 of the Balanced Budget Act of 1997 (sec. 24–133, D.C. Official Code) is amended by striking subsection (f).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 824. 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.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 146, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill add the following new section:

TITLE ____

Sec. ____. The amount otherwise provided for under Title IV for the Federal Payment for Resident Tuition Support is increased by $1,000,000 and the amount otherwise provided for Salaries and Expenses of the Office of Special Counsel is reduced by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this is a very simple amendment. I think it is a win-win. This amendment will reduce the appropriation to the U.S. Office of Special Counsel by $1 million, but it redirects those funds to a far more deserving entity, District of Columbia students who wish to attend college, the D.C. College Access Act.

I was the original author of this legislation in 1999. This legislation essentially allows students in the District of Columbia to attend out-of-state universities and pay in-state tuitions because the District of Columbia does not have a state university system,

Since that time, what had once been a pipe dream for D.C. students, because college was so unaffordable to them, paying for private colleges and out-of-state universities, has become a reality and is becoming part of the culture of the District. It has doubled the number of students in the District of Columbia that are now able to go to colleges. It has doubled that number. It is changing the culture. It is changing the aspirations of these students.

This amendment, the $1 million that is added here, will allow an additional 200 District of Columbia students to take advantage of this program and go on to higher education. There will be no waiting lists. There will be no backups. They won't have to wait to see if the money is there. It will be there for them.

If you want to change the culture of the city, we start with the education system. Mayor Fenty has started with a new system trying to revamp the public school system. But it doesn't do these students any good if they can't, at the same time, go on to higher education.

The other thing this has done is it has kept people in the District of Columbia. Instead of having to move to Virginia or Maryland to attend universities, they can now live in the District and afford to send their kids on to college. Aspiring students who come from, in many cases, single-parent or no-parent homes, can now work their way through colleges, community colleges and other state universities in the region, and be able to commute back and forth. This has been a win-win situation.

Now, we take this money from the Office of the Special Counsel. This office was increased by about $800,000 this year over last year's appropriations. We are bringing them basically to the level of appropriation they had last year.

It is a troubled office. In February, Tom Devine of the Government Accountability Project testified before our committee that the Office of Special Counsel has become a caricature and an object of contempt among the constituencies it supposedly services. It illegally gags its own employees, engages in ugly retaliation against its staff and is engaging in heavy-handed obstruction of justice tactics to intimidate its own employees from testifying in ongoing investigations of its activities.

In April, Melanie Sloan, Executive Director of Citizens For Responsibility and Ethics in Washington, or CREW, said, ''Having transformed OSC into a virtual black hole for legitimate complaints of retaliation, Bloch is decidedly not the right person to tackle issues of misconduct and illegality.''

More recently, we witnessed a Special Counsel who is trying to rehabilitate himself. But Beth Daley, the Director of the Project on Government Oversight, was quoted last month as saying, ''It is hard to believe the Office of Special Counsel will be able to conduct a thorough investigation into the White House while the Special Counsel is under investigation himself.''

So I think this office can go back to the basic appropriation it had last year. This money can be better spent invested in the students of the District of Columbia as they aspire for higher education.

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

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

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

Mr. SERRANO. Mr. Chairman, I have the utmost respect for the gentleman. He knows how much I respect his desire to improve every bit of the educational programs in D.C., but there are a couple of things we need to know.

First of all, this program is funded at $35.1 million. Interestingly enough, when we approached the D.C. government about this program, we asked what amount they wanted, and this was exactly the amount which was the President's request. They told us that they did not want or need any more. So it is funded at the President's request.

The big problem with this, and what I want to speak about, is the message that this cut sends to the public and to those folks who like to spend a lot of time attacking Members of Congress on both sides. The Special Counsel's Office is involved at this very moment in some very sensitive and high-profile investigations having to do with whistleblower issues, having to do with the Hatch Act and having to do with so many other issues that we have read about and talked about for a while.

If you are talking about a bipartisan way of inviting attacks on Congress and criticism of Congress, this is probably the best way to accomplish that. Because for $1 million to a program that is funded at the full presidential

request, a program where the District of Columbia has said they didn't want any more money, for that $1 million, to give the impression they were somehow trying to put a damper on the investigations taking place is just the wrong message. For that alone, we should oppose it on both sides of the aisle.

In fact, I would hope, after listening to what I know the gentleman has maybe already paid attention to in the past in putting together this amendment, that he would actually consider withdrawing the amendment.

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

Mr. TOM DAVIS of Virginia. Let me just say, first of all, it is the President's requested number, but the District can use this money because of the students that are still waiting in line to make sure that they have a place and there is no waiting list.

Let me just add this. You are defending the Office of Special Counsel. The Special Counsel, just weeks after he came into office, removed any reference to discrimination on the basis of sexual orientation from the OSC Web site. He then testified before the Senate that he did not believe current law protects Federal employees from discrimination on the basis of sexual orientation, an assertion that flies in the face of decades of precedent and defies an Executive Order by President Bush.

Today, the Special Counsel is under investigation by the President's Council For Integrity and Efficiency and the Office of Personnel Management for claims that he retaliated against employees who complained about office policies, issued an illegal gag order, abused his hiring authority, discriminated against homosexuals, allowed political bias to influence enforcement of the Hatch Act, and forced senior career staff to relocate from OSC's Washington headquarters to a new regional office in Detroit.

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I would suggest that the gentleman go back and do his homework on this office. There are some sensitive issues they are dealing with. But I will tell you, this takes it back to last year's appropriation level, I think, or just about that level. More importantly, I think this money can be better spent on the students of the District of Columbia.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. SERRANO. Mr. Chairman, I would say to the gentleman, had I not done my homework, you would have helped me do it, because you started out by telling us you wanted to help D.C., but then you did tell us that it was that you were having problems with the Special Counsel. Well, that is the issue. The issue is you want to get at the Special Counsel.

I am suggesting this is the wrong time and the wrong place to do it, because they are involved in very serious investigations, and the last thing we need is for the public and the talk show hosts to say that Congress, because they won't say you or I, that party or this party, that Congress is trying to put a chill on these investigations.

During the hearings, for the record, we asked the D.C. Government if they wanted more dollars. We gave them the opportunity to tell us if they wanted more than the President's request, and they said no.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, can I ask my friend, what are the sensitive investigations he is referring to?

Mr. SERRANO. The Special Counsel has been asked to look at various issues, including violations of the Hatch Act.

Mr. TOM DAVIS of Virginia. Are there any particular ones you are referring to at this point?

Mr. SERRANO. All of the above.

Mr. TOM DAVIS of Virginia. They have been looking at these investigations for years. This amendment still gives them $14 million to do that.

Mr. SERRANO. That is true.

Mr. TOM DAVIS of Virginia. Which is almost the number they had last year. In light of the record that has been compiled here, the investigation of GSA is complete. That has been forwarded to the President. That is no longer pending, so that is no longer an issue. I just wanted to make that clear on the record. This is not about that. This is about a number of other issues that have been concerns expressed from your side of the aisle as well.

Mr. SERRANO. If the gentleman will yield further, my point to the gentleman is he started his argument by saying he wanted to help the tuition program, but, in fact, he has a problem with the Special Counsel. I am suggesting hat for the good of this House, we should not be doing anything that appears like we are trying to chill.

Mr. TOM DAVIS of Virginia. We had to get the money from somewhere, and this seemed to me an appropriate place to take it.

I am no stranger to this program. I was the chief author of authorizing this legislation to begin with. So we are not taking it for some program. This is a program I had a lot to do with creating and feel strongly about it and feel it could use additional money. I think the District feels the same way. The fact the committee funded it at the President's level doesn't mean it couldn't use additional money and fund additional students.

Mr. SERRANO. If the gentleman will continue to yield, my point would be until at least one of those investigations has concluded, which has gotten quite a bit of publicity in this country and been discussed widely, we should not be cutting what is not a large budget.

Mr. TOM DAVIS of Virginia. The one the gentleman is referring to has been completed. It has been forwarded to the President, and they have no additional jurisdiction. For the record, we need to clear that up.

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

Mr. SERRANO. I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of North Carolina:

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 by this Act may be used to implement Executive Order 13422.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, I offer this amendment on my own behalf and the behalf of Ms. LINDA SÁNCHEZ of California.

Mr. Chairman, this amendment prohibits the use of funds to implement an Executive Order entered earlier this year. The Executive Order claims powers for the President over agency rulemaking that is consistent neither with statutes passed by Congress nor with the Constitution.

There are safeguards on how agencies can use that power, their power of rulemaking. Agencies are supposed to make rules in the public, with public participation, in the open, and citizens can sue an agency if regulations are too tough or too lenient.

Executive Order 13422 dramatically changes how rulemaking works and lets political appointees overrule the professionals at each agency in secret with no accountability to anyone. Decisions that are supposed to be made in the open can be made in closed rooms on the basis of improper political considerations, and often no citizen will know to sue to challenge a rule or more often sue to challenge agencies inaction because no citizen will know

what really happened. No citizen will know what the professionals at an agency be recommended be done.

The issues raised by Executive Order 13422 need Congress' attention, but this amendment stops this President or any Presiding from seizing the power to rewrite almost every law that Congress passes, laws to protect public health, the environment, safety, civil rights, privacy, and on and on, without answering to Congress or the American people.

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

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

Mr. Chairman, I rise in support of the amendment. The gentleman has raised some very serious issues that need addressing, and I would accept the amendment and support it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment. I am not going to call for a vote. I think this is something that needs to be studied a little more, and would anticipate that in conference we would try to address the problem. This Executive Order is relatively new. I am not sure what the impact of that would be nor what the impact of this amendment would be.

For the record, tonight I oppose it. As I say, I am not going to call for a vote on it, but I think the chairman and I ought to take a second look at it and decide whether we want to address the issue in conference.

Mr. Chairman, I yield back my time.

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

Mr. SERRANO. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment as the designee of the gentleman from Michigan (Mr. UPTON).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INGLIS of South Carolina:

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

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. INGLIS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I am ready to accept the gentleman's amendment.

Mr. REGULA. On this side we are ready to accept it also.

The Acting CHAIRMAN. The Chair recognizes the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, we are very grateful for the opportunity to offer the amendment. It is on behalf of myself and Mr. LIPINSKI, the gentleman from Illinois, and the gentleman from Michigan Mr. UPTON, and the gentlewoman from California Ms. HARMAN.

It is an exciting thing to see an opportunity to save money and to save energy by changing some light bulbs. So we hope that we see these energy savings, and we know that it is something that will benefit the country.

Mr. Chairman, I would be happy to yield to the gentleman from Illinois (Mr. LIPINSKI). Even though we are very grateful for the chairman already accepting the amendment, he should say something about our bill.

Mr. LIPINSKI. Mr. Chairman, I thank Mr. INGLIS for yielding.

Mr. Chairman, Mr. INGLIS and I introduced the Bulb Replacement in Government with High-Efficiency Technology (BRIGHT) Energy Savings Act earlier this year, a bipartisan bill that garnered over 80 bipartisan cosponsors. Last week, it was incorporated into a comprehensive climate change and energy bill that the Transportation and Infrastructure Committee reported.

This amendment is a great step towards this goal of cutting down on the energy used by the Federal Government, cutting down on the emission of global climate-changing gases and saving taxpayers money.

So, I thank the chairman and the ranking member for accepting this amendment. This amendment has been included on every appropriations bill so far that has been brought to the floor, and I hope we can continue this. It is very rare that you can meet all of these goals at once while saving taxpayer dollars.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for his support. I very much appreciate the chairman and ranking member's acceptance of our amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. INGLIS).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GARRETT of New Jersey:

At the end of title VI, insert the following:

SEC. ____. None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers, who, pursuant to section 210.2–02T of title 17, Code of Federal Regulations, are not required to comply with such section 404 prior to December 15, 2007.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to offer an amendment that will positively affect thousands of small businesses across the country. I would like to thank my good friend from Florida, Congressman Tom Feeney, for sponsoring this amendment with me and for all of his hard work on pushing for much-needed Sarbanes-Oxley reform.

Mr. Chairman, the 5-year anniversary of the passage of Sarbanes-Oxley is almost upon us, and there are many of us who believe, myself included, that SO_X used a sledgehammer where a simple tap would do. The accountability and transparency goals that were so laudable in developing SO_X could have been met, at least in part, through a competitive market where empowered investigators have a real role.

One thing is for certain, however, and that is the regulatory scheme and structure that SO_X established has created more problems than it resolved. You see, we are in a global economy, and our financial markets must be able to be competitive. But when going public in an American market means added out-of-pocket expenses of $4 million to $6 million per accelerated filer, that is more than 50 times the original SEC estimate, it begs the question why any company rising through the ranks would go public and be subject to those requirements. Worse yet, it begs the question of why that successful company would go public in the U.S. at all.

In fact, there have been very many credible reports pointing to a loss in the supremacy of the American financial market as a direct result of the SO_X implementation. Only one of 24 listings with over $1 billion in capital raised has listed in the U.S. as opposed to London, according to the New York Stock Exchange. And there is also evidence that some U.S. companies have even returned to being privately held because of their inability to meet the costs and extensive accounting requirements of SO_X.

We have seen this directly with our Nation's two largest financial markets, the New York Stock Exchange and NASDAQ, both looking to expand into a less regulated, less litigated environment in Europe.

One segment of the U.S. economy that will bear a disproportionate brunt of SO_X is the American small business. Because the SEC expected small businesses to have difficulty meeting all of

these costs and filing requirements, they were temporarily exempted from the regulatory burdens of section 404 to give them time to prepare. This exemption was last extended now through 2007 so that the SEC and the PCAOB could finalize their revised guidelines to management and new standards to the auditors. So while I am commend the SEC and the PCAOB in trying to improve the implementation of 404, it still remains unclear whether these revisions make it possible for small businesses to comply without suffering dire economic consequences.

Furthermore, it is unfair to make our small businesses comply with new regulations that are being finalized and adopted halfway through this year for which these small businesses are supposed to report.

So I offer this amendment today to extend the exemption for small businesses to comply with section 404. The amendment will prohibit the SEC from forcing small businesses to comply with section 404(a)for fiscal year 2008.

There is just too much evidence out there that small companies are not going public or are doing so overseas because of the onerous burdens of section 404, and this amendment will address that. It is essential that we do not add to the overly burdensome new costs on our Nation's small businesses, especially while new auditing standards are still being revised and finalized.

So by delaying the requirements for 1 year, and that is all, we are giving our small businesses more time to ensure that they are not unfairly hurt, without jeopardizing the accountability goals of the original SO_X legislation.

Mr. Chairman, I include for the RECORD The National Taxpayer Unions Vote Alert in support of this amendment that is on the floor today, along with a letter from the Property Casualty Insurers Association of America.

NATIONAL TAXPAYERS UNION,
June 27, 2007.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Members to vote ''YES'' on an amendment by Representative Scott Garrett (R–NJ) to H.R. 2829, the Financial Services Appropriations Bill. This amendment would extend the moratorium on small business compliance under Section 404 of the Public Company Accounting Reform and Investor Protection Act, also known as the Sarbanes-Oxley Act. Shielding small businesses from crushing regulations brought on by Sarbanes-Oxley is an important step in protecting a vital source of economic growth. A ''YES'' vote, in support of easing the burden on small businesses, will be significantly weighted in our annual Rating of Congress.

U.S. CHAMBER OF COMMERCE,
June 27, 2007.

Members of the U.S. House of Representatives: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, urges you to support the Garrett-Feeney amendment to H.R. 2829 the ''Financial Services and General Government Appropriations Act, 2008.'' This amendment would extend the current moratorium for Section 404 compliance for small businesses through FY2008.

While the Chamber supports effective internal controls and the intent of Sarbanes-Oxley, the Chamber strongly believes smaller companies should not have to bear the disproportionately burdensome costs of Section 404 until the implementation of Section 404 has been fixed.

The Garrett-Feeney amendment would delay compliance for smaller public companies until the new standards have been adopted and tested for a full year's worth of experience for larger companies. Failure to pass the amendment would seriously undermine the cost-cutting objectives of the new standards.

Companies, auditors, and regulators will need at least a full year's experience to know if the Securities and Exchange Commission and Public Company Accounting Oversight Board's efforts to fix Section 404 implementation are working or if additional corrections are needed.

The Chamber strongly urges you to protect small businesses from being unfairly and disproportionately disadvantaged by voting for the Garrett-Feeney amendment to the Financial Services and General Government Appropriations Act, 2008. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA,
Des Plaines, IL, June 27, 2007.

Hon. SCOTT GARRETT,
House of Representatives,
Washington, DC

DEAR MR. GARRETT: The Property Casualty Insurers Association of America (PCI) thanks you for introducing your amendment to H.R. 2829, the Financial Services and General Governmental Appropriations Bill, 2008, that would extend for another year the amount of time that smaller public companies have to comply with Section 404 of the Sarbanes-Oxley Act of 2002. PCI represents the broadest cross-section of insurers of any national property/casualty trade association, with over 1000 members writing over $194 billion in direct written premium annually, over 40 percent of the nation's property/casualty insurance.

PCI supports strong corporate governance for all corporations. Since the Sarbanes-Oxley Act became law, however, it has become clear that the overbroad way in which Section 404 was implemented has been a major competitive disadvantage for U.S. corporations. We believe that the costs of compliance with Section 404 must continue to be reduced for all publicly-traded insurance companies, including the small-to-medium sized insurers to which your amendment applies.

PCI congratulates you for taking the lead on this important issue, and we look forward to working with you to lessen the burden of Section 404 compliance for smaller public businesses.

Sincerely,

STEPHEN W. BROADIE.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

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

Mr. FRANK of Massachusetts. Mr. Chairman, might I inquire, who has the right to close?

The Acting CHAIRMAN. The Chair would advise the gentleman that the gentleman from New Jersey has the right to close. The gentleman from Massachusetts is not a member of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, sic transit gloria Oxley. Mike Oxley, my Republican predecessor, is barely gone, when one of his great works is being trashed by his former colleagues.

Indeed, as I look at this assault, the gentleman from New Jersey started out talking about small business, but small business clearly appeared to be the stalking horse here. He talked about the New York Stock Exchange. They don't deal with small business. He talked about Sarbanes-Oxley in very negative terms broadly. His complaint is not about small business, but about Sarbanes-Oxley in general. If you analyze what the gentleman said, it was an assault on Sarbanes-Oxley.

Now, Sarbanes-Oxley was passed by a Republican House and a Democratic Senate. It was signed and claimed as a great triumph by our Republican President, George Bush.

I am sad for President Bush. No Child Left Behind, Sarbanes-Oxley, immigration, Medicare part D, even the war in Iraq. Mr. Chairman, are there no Bush policies left that can escape the assault of the Republican Party? I am inclined to think that there are only two Bush policies left that command strong support on the Republican side: illegal wiretapping and torture. Everything else they appear to have abandoned.

In fact, 10 days ago, the Secretary of the Treasury, Secretary Paulson, explicitly disagreed with the gentleman from New Jersey on the need for this amendment and said, no, we don't want to do this now. This is working.

What is working is a couple of days ago the Chairman of the Securities and Exchange Commission, our former colleague Mr. Cox, said, we don't need legislation. We are in the process of changing this. All five of the Commissioners appeared, and none of them asked us for legislation. Mr. Cox specifically said it is not needed.

This is a vote of no confidence in Chris Cox and the SEC. They have said, yes, we should change this. We have more time. It is in a deferment period, and the SEC is in the process, along with the Public Company Accounting Oversight Board, of winding this down, of making it easier.

Mr. Cox was asked just yesterday, well, what is this going to cost small business? He said, we don't know yet, because we are changing it already for the big businesses that have to pay. But we are going to look at that, and we will make adjustments.

So Chris Cox, on behalf of a unanimous SEC, three Republicans, two Democrats, along with the Republican Secretary of the Treasury Mr. PAULson, says we are fixing this. Please do not at this point legislate.

Of course, what we see is, if you listen to the gentleman from New Jersey, this is the beginning of an assault on Sarbanes-Oxley in general, because much of his speech was not about small business, it was about Sarbanes-Oxley in general, which he does not like and thinks is a terrible burden and is driving people overseas.

□ 2330

It is not driving small business overseas. Nobody argues that. It is not driving small businesses off the New York Stock Exchange; they were never on it. So this is step one in the assault on Sarbanes-Oxley. It is an unnecessary assault because the SEC, under Chairman Cox, with a Republican majority and Secretary Paulson are already trying to fix this problem.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman for his comments and just point out that I also did not support No Child Left Behind, the medicare bill, the immigration bill or SOX, and I do have a No Child Left Behind bill if you would like to sign on to reform that piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I voted against No Child Left Behind. I understand that. You have got nothing with Bush, and I understand that. I just felt sorry for the poor man being abandoned so much.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FEENEY) who has been a staunch advocate of businesses large and small and making sure that they are competitive and stay strong in this country.

Mr. FEENEY. I want to thank the gentleman from New Jersey (Mr. GARRETT) because he has a great amendment here. And I also want to recognize my chairman, Mr. FRANK, because he is a passionate advocate for doing the right thing and balancing markets and freedom versus the social good.

By the way, we are not renouncing everything that the Bush administration has done. Tax cuts and pro-growth issues, the fact that we have not had a terrorist strike since 9/11 are all a few things that we ought to recognize about the Bush administration.

But look, Congress messed up before Congressman GARRETT and I got here. We are now outsourcing because of section 404 of Sarbanes-Oxley America's 100-year lead in world capital markets. Like it or not, this was never debated in the House. It was added in the Senate; 264 words, section 404 was added. Nobody knew what the cost of this would be.

By the way, the Securities and Exchange Commission testified in the Senate that it would cost the average company $92,000 a year. It turns out to be more like 30 times that. Being off by 30 times is bad work even by government standards. It's amazing.

I will tell you that one study published by the American Enterprise Institute and the Brookings Institute says that the drag on the American economy is equivalent to a $1.1 trillion regulatory tax on the U.S. economy. That is about an 8 percent tax on everything we do. It is unbelievable.

The Acting CHAIRMAN. The time of the gentleman from New Jersey (Mr. GARRETT) has expired.

Mr. FEENEY. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts and the gentleman from New Jersey each be given an additional minute.

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

There was no objection.

Mr. GARRETT of New Jersey. I yield to the gentleman from Florida.

Mr. FEENEY. I will tell you this, before Sarbanes-Oxley, foreign initial public offerings raised 90 cents of every new dollar in America. Now 90 cents of new dollar raised by international public offerings is raised overseas. We are outsourcing America's 100-year lead in capital markets.

If we want Shanghai and Hong Kong and London to be the leader in capital markets, so be it. But we are fiddling while the capital markets burn. I admire my chairman, Mr. FRANK. I think it is too little too late to let the SEC fiddle while the capital markets of America burn to their death.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, just a reflection on the comments by the chairman. I appreciate the chairman wishing to defer to the expertise of the SEC. Would the chairman and the committee defer in the same manner to the SEC with regard to the issue of executive compensation as he does to the area of SOX.

The problem with the testimony that we heard in committee the other day is that after repeated questioning from both sides of the aisle as to exactly what the cost will be on business in America through the SOX reform that they are proposing right now out of the SEC on both large and small businesses, their answer was basically ''we don't know.''

They have had 2 years to look at it at the SEC, to come up with new rules and regulations, to try to bring down the complexity and the burden on businesses large and small. And after 2 years, they don't know.

Congress has directed them and the message has been made clear to the SEC that the burden, as the gentleman from Florida has already pointed out, is excessive and we asked them repeatedly, can you categorize this? Can you pinpoint how much, if any, savings there will be for businesses? And they say they don't know.

So until they do know, all we are asking for is a 1-year extension so that small businesses can have an opportune time to learn the new regulations that are basically being promulgated as we speak before they have to implement them.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman for yielding me time.

First, as to executive compensation, the gentleman from New Jersey, he finds inconsistencies where none exist. They are kind of like Harvey, his invisible rabbit.

On executive compensation, the SEC has said when asked that they do not have the power to do what our bill does. That is very different than Sarbanes-Oxley. With regard to Sarbanes-Oxley, Chris Cox has said I am doing this, so they are quite different.

The SEC with executive compensation said we can make them say how much it will be; if you want to go further, we have no power to do that.

That is exactly the opposite of what they have said on Sarbanes-Oxley in which they said we are fixing this, and Chris Cox said there is no reason for you to legislate.

The gentleman from New Jersey is being unfair to Chairman Cox in caricaturing him as saying ''we don't know.''

What he said when asked what it would cost is very straightforward: ''We don't know yet.'' He said we are in the process of finding out because what the chairman said is we are downsizing Sarbanes-Oxley. We are downsizing it for everybody. We will know better after we see what the new requirements are for larger businesses, how much there will be saved for smaller businesses.

The fact is that the gentleman from New Jersey quite graphically misrepresented what the SEC said. The SEC did not say ''we don't know,'' the SEC said ''we will tell you after we have had some experience.''

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I believe my friend from Massachusetts, who is a great chairman of the Committee on Financial Services, I would ask him: Is it true or is it not true that America's market share of capital formation and capital control has declined since Sarbanes-Oxley has been enacted?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The answer is ''yes'' for a variety of reasons, but I want to make this point. It has nothing to do with this amendment. The gentleman has proven my point. Small businesses don't do IPOs. It is not in the small business area where the decline has happened. So

what we see here is small business has been taken hostage by people who never liked Sarbanes-Oxley because the argument the gentleman makes has nothing to do with the specifics of the gentleman's amendment.

Mr. REGULA. Reclaiming my time, and I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentleman.

The chairman is very sophisticated. He understands free markets more than anybody even though he doesn't always believe in free markets. But the truth of the matter is we have lost our capital market leadership for the first time in 100 years. There may be other variables, and I would agree with the chairman. But one of the variables is Sarbanes-Oxley is discouraging investment in America. By the way, American investors are sending their money overseas.

And I would ask the chairman very briefly: Do you agree or not agree that overtaxation, overregulation through Sarbanes-Oxley, and section 404, by the way, was never debated in the committee that you now chair. It was done in the Senate.

The Acting CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Again, the gentleman from Florida has made a general assault on Sarbanes-Oxley. He is now attacking Speaker HASTERT. The number of people who are in trouble on the Republican side by this group grows and grows and grows. It is the Speaker of the House, the gentleman from Illinois, the former Speaker, who apparently acquiesced, inappropriately, according to the gentleman. Take it up with him, I would say to the gentleman.

Mr. FEENEY. Would the gentleman yield?

Mr. FRANK of Massachusetts. Briefly.

Mr. FEENEY. Was section 404 ever debated in the Financial Services Committee that you now chair?

Mr. FRANK of Massachusetts. Because I was not the chairman, I do remember discussion of it during the conference report. But reclaiming my time.

Mr. FEENEY. Wait a minute, you didn't answer the question.

Mr. FRANK of Massachusetts. It is my time.

Mr. FEENEY. Was 404 ever debated?

Mr. FRANK of Massachusetts. Regular order, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The fact is that I will not allow my time to be diverted by internecine Republican warfare. You don't like George Bush's bill that he signed. You don't think that Oxley did a very good job. You are upset at your own leadership procedurally. You think Chris Cox doesn't know what he is doing. You disagree with Paulson.

Mr. Chairman, they can fight it out. I would like to discuss substance. I'm not here to get even for past grievances that Republicans have with other Republicans.

Again, the gentleman from Florida's assault has nothing to do with this amendment, but it is relevant in this sense: It shows that what we have here is the beginning of an attack on Sarbanes-Oxley.

The IPOs, small business don't do IPOs. Small business hasn't left America to go to England. That is the clear indication of what is up.

Now to get back to the substance, Chairman Cox and the other members of the commission said we agree it went too far in the regulation. We are scaling it back. We are scaling it back first for the big businesses who will be affected by it, and we will learn from that scaling back how much it will help smaller businesses.

Again, the gentleman from New Jersey quite unfairly mischaracterized what the commissioners said. The commissioners didn't say ''we don't know,'' period. They said we don't know now because we expect to get experience from the reductions in the scaling back we have already ordered, and that will tell us how that will help small business.

Mr. GARRETT of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I quite candidly don't recall in any of the questioning by my side of the aisle or yours that he used the word ''yet.''

Mr. FRANK of Massachusetts. The gentleman is simply wrong. He made it very clear. I am quoting him almost verbatim when I say they said: We will find out from scaling back in general how much it will save, and then we will be able to tell you how much the savings will be.

No, I am not yielding any more because this is just not a debatable issue. The five commissioners didn't say simply ''we don't know.'' They said, ''We don't know as of now, but we will know better once we have had this experience.''

I want to go back and respond, the gentleman from Florida said the SEC is fiddling while capital markets burn. I don't think Chris Cox is fiddling.

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

Let me simply say, Mr. Chairman, I recognize this specific discussion is aimed at Sarbanes-Oxley. But in fact I have been around here for awhile, and I know that this occurs in the context of a much broader and much more insidious pattern.

The fact is if you take a look at what Republican controlled Congresses have tried to do since 1995, you will see that they have voted for appropriation after appropriation that cut the SEC budget even below the President's request. What that meant was that while that agency's workload was expanding and exploding, the ability of the SEC staff to keep up with that workload was being undermined by this body.

The percentage of all corporate filings reviewed by the agency declined dramatically from 21 percent in 1991 to about 8 percent in 2000. Is it any wonder that the Enrons of this world were convinced that they could get away with anything. After Enron failed and after we had a series of other corporations that failed, and their officers went to jail, people got scared. They decided we better do something or we will be seen as being complicit in the abandonment of government's obligation to see that investors are protected.

So what happened is they were scared finally in backing into passing Sarbanes-Oxley. They fought it all the way. And now that it is on the books and the heat is off and the cops ain't watching as much, then what are they doing, they once again want to whittle away at Sarbanes-Oxley. Not with my vote they are not going to.

I yield to the gentleman from Massachusetts.

□ 2345

Mr. FRANK of Massachusetts. Let me make the substantive argument here.

Law enforcement in America is not totalitarian. It is not authoritarian. It requires a buy-in by those regulators. And that's why this amendment would do so much damage. There is, of course, a disconnect between the amendment which hides behind small business and the broader attack on Sarbanes-Oxley that we have heard from the two speakers.

But here's where the connection comes in. The SEC, with the full backing of Secretary Paulson, all these Republican nominees, Secretary Paulson from Goldman Sachs, Chris Cox and the others, they understand that Sarbanes-Oxley was overwritten in the regulatory phase. They are writing it down, but they don't want people to just think this is chaos. They have asked us explicitly, the Secretary of the Treasury and the SEC, the Republican appointees, to let them work this out. They agree that it needs to be reduced.

But if you start now with Congress piecemeal amending it, the degree of consensus they are trying to reach in the business community will erode. If people think, oh, we got one amendment through, we got this piece out, then there will be others who want another piece, people who have always resented it. And Mr. Cox has been very careful to try to get, for instance, unanimity in the commission because he wants people not to think this is a chance he's saying, it's going one way, it's going the other. And to begin now to whittle away at his authority, when he is in the process of doing exactly what critics of Sarbanes-Oxley as it now stands say they want to do, undermines his ability to reform this in an orderly way.

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

Mr. OBEY. I yield to the gentleman from Florida.

Mr. FEENEY. When Sarbanes-Oxley was passed, America had roughly 48 percent of the world capital market formation. We're down to about 39 percent.

Mr. Chairman, I ask you, because you're a good friend and you're smart about this stuff, at what point will you say that there's a problem?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First of all, does the gentleman not understand that his question, as virtually all of his debate, has zero to do with the amendment he purports to be supporting?

The fact is that the problems, yes, in China they have decided to do it in Shanghai. I think there are a lot of reasons why there has been a shifting and we're no longer overall in the world. But it has nothing to do with this amendment because it's not about small business. We haven't lost the share of small business. But the gentleman has reinforced my point. I mentioned Shanghai. Shanghai is appropriate, because this amendment is an attempt to shanghai small business into the cause of undermining Sarbanes-Oxley and undercutting the effort by the SEC, supported by the Secretary of the Treasury—and I assume the Bush administration—to allow the process of scaling back Sarbanes-Oxley to be done in an orderly, reasonable fashion.

The Acting CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

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

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:

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

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

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

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Mr. Chairman.

Perhaps the next couple of hours, and certainly most of all day tomorrow, Member after Member on our side will come down here to these microphones and attempt to reduce spending in this appropriations bill. My amendment would fix a problem that they will have should they be successful in any of their amendments.

Under our existing rules, the existing processes under which we work, the budget is passed and is allocated among the various programs under what we call a 302(b) allocation. Each of these subcommittees bring their bills down here in a total amount to be spent. As I have mentioned, Member after Member will come down here to attempt to convince a majority of us to reduce the spending that is included in the bill. Should they be successful, it's not likely but should they be successful in reducing that spending the little known secret, unknown outside the Beltway, is that the actual total amount of spending under the 302(b) allocation will not change, no matter what we do here on this floor. It stays where it is.

And so what my amendment would do, it would be to take those successful attempts to reduce spending and would funnel those dollars against the deficit that this country will continue to experience in 2008. If you look at the budget that was passed by the Democrats, the budget shows a deficit for this year. So should we be successful on any of these bills, my amendment would allow the savings to go against the deficit and in future years should we have a surplus, it would actually allow the surplus to increase.

So it's a pretty straightforward concept. Most folks back home understand when they save money in certain areas on spending, they have that money available to spend somewhere else, to put in savings, to reduce debt, to do all the kinds of things, but under our arcane system here, that money simply stays with the committee and through some process in conference gets spent again should we be successful.

I understand there's a point of order that lies against this. I do not intend to push it, and I will withdraw my amendment, but I seek to point this out one more time to anyone who might be listening at this early hour in Hawaii or late here on the east coast.

I would also like to get acknowledgment that I'm getting my amendment out of the way tonight as opposed to tomorrow when the heavy lifting on the spending cuts will occur.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. SOUDER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

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 (including funds made available in title IV or VIII) may be used by the District of Columbia for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

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

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 3 minutes.

This amendment would continue the existing ban on public funding for needle exchange programs in Washington, D.C. We have prohibited this since 1999, so we've done this for 7 years. We generally speaking have had votes in the House and Senate and voted overwhelmingly not to have the taxpayers be heroin dealers.

Intravenous drug use is associated with two epidemics, the spread of infectious diseases such as HIV and hepatitis C and illicit drug abuse and the physical, economic and social damages it does. Needle exchange programs do not increase drug abuse. They maintain it, they sustain it, they support the intravenous drug use.

Also, over the years, we can argue about the studies and we've argued on this on the House floor over and over about this study and that study. The best that you can say is studies are inconclusive. In fact, recent studies are moving to prove what I have alleged in these debates over the years, that there's no significant impact on HIV infection, in fact, we merely subsidize heroin use.

Responsible public health policy and compassion requires us to meet the primary illness, not just the outward symptoms of the disease. Addiction is what fuels HIV risk. Providing needles to addicts isn't going to help end their addiction. It is not compassionate to enable addicts to continue their addiction. What we need to do is get them off. For example, D.C. has actually reduced the funding for drug abuse and addiction treatment. They need to be focusing on addiction treatment, not providing free heroin needles.

I want to speak briefly about Vancouver, Canada, which was the model

in the western hemisphere. When they first implemented this program, I visited Vancouver and watched the distribution of needles. They assured me that this was going to get the problem under control, even though they saw rising drug abuse in the center city of Vancouver. By the next time I went up to Vancouver, they had multiple needle sites, that in fact some of the needle sites in downtown Vancouver were competing with each other and arguing over who got to provide the needles. We saw in many of these urban center areas, which has been repeated in New York and in other places where they've had these experimental programs that in fact it has increased codependency because in many of these areas where you see people who are being treated for a variety of different illnesses, you have homeless shelters, and we've seen a rise in codependency because the needle exchange programs and the heroin dealers are down where the needle exchange programs are and we've seen an increase and a rise in this.

Recent studies out of Vancouver are continuing to prove on a steady, systematic way that it has been one colossal failure that had been touted on this House floor as a solution to HIV. I believe that it is not only practically wrong for us to provide the funds through taxpayer funds to a program that is not only practically not effective in stopping HIV, it is, I believe, morally and ethically wrong to ask the taxpayers to in effect provide the very needles that keep people addicted to heroin.

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

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

POINT OF ORDER

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

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

I ask for a ruling from the Chair.

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

If not, the Chair finds that this amendment imposes new duties on the Secretary. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. SOUDER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

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 (including funds made available in title IV or VIII) may be used for the Prevention Works or Whitman-Walker Clinic needle exchange programs.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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

I was hoping that we could deal with this issue in a broader amendment and I misspoke. We have a battle on the House floor over direct funding. This is in particular a limitation and I understood that under parliamentary rules my earlier amendment might be tossed out on grounds of trying to legislate on an appropriations bill.

In the past, just for the record, the Rules Committee has always protected this amendment because we felt it was absolutely critical not to have the distribution of needles to heroin addicts in our capital city of America. But since the Rules Committee did not protect the general, this particular amendment in front of us doesn't really have a broad, sweeping effect on the District of Columbia but in fact targets two programs that have in fact in the past ineffectively distributed needles and syringes.

The general question is, and this is a proxy vote, is do you believe that needles should be distributed to heroin addicts by public enemies, and particularly in our Nation's Capital. Should we repeat in the streets of Washington, DC, what has failed in so many cities in the United States and around the world, in a, I believe, heartfelt honest attempt to reduce HIV virus, instead hasn't reduced HIV virus or at least at best—there is dispute as to that—but has in fact increased and sustained heroin addiction in the United States.

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

Mr. SERRANO. Mr. Chairman, I rise in very strong opposition to this amendment.

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

Mr. SERRANO. Mr. Chairman, this is one of those amendments that leaves you scratching your head. This really is an issue that has been visited for so many years and well understood by the medical profession and activists and citizens throughout this country. We are not promoting the use of drugs. In fact, every needle exchange program that I am familiar with, including the one that exists in my congressional district, encourages people to seek treatment, demands in many cases that you seek treatment. But all it says is that while you are a drug addict, while you are trying to get off that addiction, that you not spread the HIV virus by sharing needles.

This is a very sensible medical approach to a very serious social issue and a medical issue. When you have folks who are addicted, the impression that some people get is that this is some sort of a party that people go to and they get drugs by getting needles. What you get is a medical procedure that says you're addicted, we want to help you, we want you to submit yourself to treatment, but in the meantime we will ask you to use this needle rather than one that you can share with someone else and either get the HIV virus or pass it on to someone else.

Washington, DC, is number one in the Nation in AIDS cases right now. All this language says is that the local government will be able to use its local funds to put forth a needle exchange program. My God. To what extent will we continue in this House as we have in the past to take every social issue that we can't win in our local districts and bring it and put it on the people of the District of Columbia and say this is how we want you to behave, because this is what I believe in and back home I can't do this, so I'm going to do it on you and I'm going to do it to you.

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The mayor, city council, the leadership, has asked over and over again, give us the opportunity to deal with this issue on our own, in our own way, and in our own terms.

We are not, if I had my way, I would have said that Federal funds could be used for a needle exchange program. That's who I am. But that's not what this says. This simply says that those dollars that are raised locally by the people in the District of Columbia, that they can use it for a program that can save lives, that can stop the spread of AIDS, that can deal with an issue in the most proper and humane way.

This is one of those issues where you have to go deep into your soul, into your heart and not deal with the rhetoric of what sounds right in a 30-second sound bite, but what is proper for public safety, for public health, and for the human dignity of a person that already has a major problem.

I have dealt with a lot of people who are addicted for a long time in my district. I know the pain they go through. At the expense of perhaps making light of it, when they show up at a needle exchange program, they are not dressed in tuxedos with martinis in their hands having a ball. They are people who are hurting, hurting and trying to survive somehow. This may just give them a chance not to get sick, but perhaps just as important, or most importantly, not to make someone else sick.

I would hope that the gentleman fully understands what this is. One, it's local control over the destiny of the District of Columbia; and, secondly, it is a proper medical way for this society to deal with an issue.

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

Mr. SOUDER. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Indiana has 3½ minutes remaining.

Mr. SOUDER. Mr. Chairman, I yield myself 2½ minutes.

First, I want to make it absolutely career that I have spent much of my career work on antinarcotics effort, and it is not a cavalier, cheap shot-type amendment here. I have visited the Vancouver multiple times. I have visited the heroin centers in Switzerland. I have been on the streets of New York and other areas where this has purported to do what the gentleman claims it does. It doesn't. The gentleman didn't cite any study, to the degree there are studies. I have already acknowledged they are mixed. But the net impact is it hasn't seen a reduction in HIV use, and it has seen an increase in heroin use.

Secondly, as far as Washington DC, they have 80 beds, capacity for 80 beds for detoxification. That is not a serious effort to reduce heroin.

Thirdly, we fund the District of Columbia. It is our national capital. You can criticize or say that we micromanage, but, in fact, we provide much of the funding that goes in the District of Columbia, and it is, if not directly, at least indirectly taxpayer funds. Because it is a national capital, that is why it is set up as the District of Columbia.

Now, I understand there is frustration with that, but we have also tried to limit any direct or indirect funds to heroin needle exchanges anywhere in the country. This isn't targeted at Washington DC. You can look at my record. I am willing to target anybody on this program, because I don't believe it reduces HIV. I do believe it increases heroin addiction. I do believe that, in fact, it has been a well-intended, as I said, program, that has worked out to be counterproductive.

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

Mr. SERRANO. Mr. Chairman, just one comment. First of all, the committee received a letter in support of removing the prohibition signed by 29 leaders of medical, public health and social service organizations.

In addition, while drug use is illegal, users should not have to pay with their lives. Studies conducted by the CDC, NIH, National Academies of Science and the GAO, which demonstrate that needle exchange programs reduce the incidence of HIV. I mean, this is an array of serious government agencies saying that this, in fact, reduces HIV.

So, on the one hand we spent a lot of money in this country, both here at home and overseas. To the President's credit, he has picked up the ball lately on that issue, and has responded better than in the past on the idea of fighting this disease throughout the world.

Well, right here at home, right here in the Nation's Capital, where the largest number of people infected exist now, the largest ratio, we could deal with this by simply allowing them to do what they must do.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

First off, we have quoted study after study on this House floor, indirect studies contracted out by different people at different times have, in fact, proven different things depending on what you want to try to prove. The net impact of it is it hasn't reduced HIV, and it has not reduced but, in fact, we have seen heroin addiction go up.

Medical associations are on both sides of the record on this issue, because on the early days of this issue it showed great promise, and there was great hope that, in fact, it might work, but that it has not. What we really need is drug treatment, not drug enable willing. What you can see when you go into these difference centers and visit them is, as a matter of fact, some people come in, they see it as a way to get clean needles. But when you analyze the studies, it's not even that those who were using dirty needles used dirty needles less, they use heroin more.

During the periods of time where they could get the needles at the distribution points, they get the needles at the distribution points. At other times, when they want to get caught up, they go get the dirty needles. It doesn't even reduce. In a case-by-case basis, there's not proven sustained evidence that it even reduces the dirty needles of those who go to the centers. Unless you have round-the-clock constant track usage in a controlled setting, it simply doesn't have the impact that it claims to have.

I believe that this is good Federal policy that we have maintained since 1999, and we should keep this policy.

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

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

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

Mr. OBEY. Mr. Chairman, I want to congratulate the gentleman from Indiana. I was not aware of the fact that he had gotten a medical degree. I don't think he is a doctor, and neither am I, and so I would submit that neither one of us are actually qualified to make final judgments about medical matters.

But I am also bothered by something else. You know, I came here to be a Member of the United States Congress. I didn't come here to be a Member of the D.C. City Council. I'm certainly not getting paid for it. I don't know if the gentleman is, but I'm not, and I don't feel like doing double duty as a city councilman at 7 minutes after midnight. I don't even think I would feel like doing that tomorrow.

But what I am bothered by is the idea that somehow we think we can come from our own communities, our own States, and then come to this town, because we happen to technically approve the district's budget in a plantation-type style, we, therefore, begin to tell the District of Columbia that we are going to decide what kind of medical advice is relevant. I heard the gentleman say this in debate, I believe it is wrong.

Well, the gentleman is perfectly entitled to that opinion, just as I am entitled to my opinion. But the fact is that I don't believe that it makes much sense for either Dr. SOUDER or Dr. OBEY to be telling D.C. how they can use their own money. I think it's the height of arrogance on the part of the Congress.

If you want to dictate to communities, would you dare go home and dictate to your own hometown what the city council ought to do? Would you say that because we provide Federal money to your city council, that somehow we should decide what their policy ought to be on medical matters? I don't think so.

I am baffled by people, especially by conservatives, who every day will profess to believe in local control, States' rights and the like, but then when it comes to the District of Columbia, they say, well, because we have a special opportunity, we are going to impose our judgment on yours. I don't think this is about the issue of needle exchange or drugs. I detest drugs. My God, look what they have done to Rush Limbaugh.

But for God's sake, it seems to me that we ought to have enough restraint to recognize that if we wanted to dictate to the D.C. what their policies ought to be, then we ought to resign from Congress and run for city council for the District of Columbia, or maybe even mayor.

But until that time, it seems to me that the District of Columbia government has the right to make their own choices even if they are wrong.

Now, Will Rogers said once that when two people agree on everything, one of them is unnecessary.

I would submit that I don't have to agree with the gentleman's opinion, and he doesn't have to agree with mine to recognize that we have got a right to state those opinions and follow up on them on Federal matters. But we are interfering in the operation of a local city, and we have no right to do that on education, on drugs or anything else.

You learn from your own mistakes, and if the District of Columbia is making the wrong choice, then I suspect in time evidence will show they made the wrong choice.

But, until then, we are imposing our own judgment on a life-threatening matter. As one layman to another, that makes no sense whatsoever.

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

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. REGULA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, as my friend from Wisconsin knows my issue on this commitment goes far beyond the District of Columbia. This doesn't have anything to do with the goal of being a city council member in the District of Columbia.

I believe any type of funding of heroin needles is counterproductive, and there are plenty of medical experts on both sides who will make that argument either direction. But evidence is increasingly proving that the one group of doctors, the one group of researchers and the 7 years of legislation here are being proven correct, and time will prove them even more correct.

But I do want to address the underlying fundamental question on whether we have a right to legislate in the District of Columbia.

Obviously, the Constitution from the founding of this country has treated the District of Columbia differently. It's our national capital. We have increasingly given them more flexibility.

I think that that is, generally speaking, a good thing. But we don't have a Fort Wayne, Indiana, appropriations bill that comes to the floor. We get some funding, but there are not special bills that come from taxpayer dollars all over America. Nor is there a northern Wisconsin funding bill that comes to the House floor.

When we take large sums of money from our districts that then gets used in policies, in our national capital, that was set up to be different than the other States, with different guidelines and difference regulations, then we do have some obligation to the taxpayers in our district and to our Nation that chose us as the national capital and an appropriations process that set us up where we are taking funds from other States because this is our national capital, and which none of us resents putting funds in because it's our national capital. We use much of the space here, we have put certain restrictions in the city.

I believe we are justified then in trying to do wise policies to the degree possible when necessary in the city. But my opposition to heroin needles is not just restricted to District of Columbia. This is bad policy that does not help the HIV problem and does expand the heroin problem.

Mr. OBEY. Would the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say, I would agree with the gentleman if his amendment was limited only to the money that we are appropriating to the District of Columbia. What I don't agree with is when we impose that same judgment on the use of their local money.

Mr. SOUDER. Would the gentleman yield?

Mr. REGULA. I yield to the gentleman from Indiana.

Mr. SOUDER. The point is, we have debated this in multiple ways, we had faith-based debates. We had the debate the other day on international family planning. Money is fungible, and it's very difficult to sort out which is which when it's this big amount of funds we put into the city.

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

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

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

Mr. SERRANO. Mr. Chairman, in anticipation of the possibility that we would allow them to use their local dollars, the District of Columbia already has put together a plan, a very comprehensive plan to deal with this issue.

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That is the plan presented to the committee by Dr. Greg Payne, the Director of the Department of Health. In it, they speak about the dollars they want to spend and the agencies they want to deal with at the local level. They are very serious about the fact that they want this done, and we should be supportive of it.

I did not, in my comments, intend, nor do I now, to question the gentleman's commitment to his belief that this is not a good program. I respect that. I disagree with you, but that was never my intent, if that's what you got out of it.

But I know that you would not be able to present this kind of an approach anywhere else except when it comes to dealing with the District of Columbia because it is, for all intents and purposes, a territory or a colony. And I take that very seriously because I was born there, an America colony. And I'll be darned if I'm going to be the Governor, now in charge by the Congress of a colony. I don't want to do to D.C. what I feel has been done to my birthplace for 109 years. I fight every day to make that a better situation.

And I think what's happened is somewhere along the way we discovered in Congress, and at times it's been done by everybody, we discovered in Congress that there was a playground, there was a place where we could put forth issues that we thought were important issues. And so if you look at the provisions that prohibit local and/or Federal funds from being used in D.C., you see everything from the abortion issue to the gay issue, to the domestic partners issue, to the needle exchange issue; just about every issue that we have ever decided is important in this country, we've used D.C. as the example. And why? Because they can't fight back because they're powerless because they are, indeed, a colony.

Well, I don't know how long I'm going to be chairman of this committee, but as long as I'm chairman of this committee, I will work hard on many issues, and one of them is to alleviate the burden of the District of Columbia to have to be treated like a colony of the U.S. Congress.

Let us do this locally. Let us all decide that if you really believe in something like this, do it locally.

Let me read to you something that Mayor Fenty wrote to us. And I always mention the fact, and I don't want to put my ranking member in a difficult situation, although, you know, he's tough enough to handle it, but he and I are big fans of this Mayor. We're big fans of the vision he presents. We're big fans of giving the District every opportunity to succeed. He says it more than I do. In every opening statement, at every committee hearing, he brings up D.C. as something, a group of people he wants to help.

The Mayor says, statistics in 2005 show that D.C. has the highest rate of AIDS cases in the country, a rate that is over six times the national average. An estimated 1 in 20 D.C. residents is infected with HIV. Nearly 1 in 50 has full-blown AIDS.

My God, if this is true, and it is, then why wouldn't we let them at least use their local funds to deal with this issue?

You know, I don't know 50 years from now how we're going to be judged, but I think that an issue that may not get the importance it gets now, like this one, will be one of the ones that will judge all of us as to what we did when we had an opportunity to do something.

Mr. SOUDER. Will the gentleman yield?

Mr. SERRANO. Absolutely.

Mr. SOUDER. I want to make just two brief points. One is Vancouver, when they were first looking at it because of their at that time rising AIDS rates, which were not nearly as high at D.C., had a similar plan, or met with similar people from the medical community, and they've been proven wrong. Just because you have a plan and it came from the medical community does not mean it will work, and the program hasn't worked.

But I do want to make, if I could, one personal clarification. I am more than willing and have worked to put this restriction on every city in America. I don't distinguish Washington, D.C., from others, and I don't appreciate the implication that I would treat it like a plantation. I believe this restriction ought to apply to every city.

Mr. SERRANO. Well, with all due respect, and reclaiming my time, you may not feel that it's treated like a plantation, you may not feel that it's treated like a colony, but let me tell you, I don't know a plantation, but I know a colony, and we do treat it like a colony.

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

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LIPINSKI) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2829), making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct for the U.S. House of Representatives for the 11Oth Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 16, 2007. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

RULES—COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

ADOPTED FEBRUARY 16, 2007

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(I) of Rule XI of the Rules of the House of Representatives, 110th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

Rule 2. Definitions

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) ''Adjudicatory Subcommittee'' means a subcommittee designated pursuant to Rule 23(a), that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(j) ''Member'' means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(1), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in