An amendment by Mr. FLAKE limiting Army Corps of Engineers construction funding for the South Central Pennsylvania project;

An amendment by Mr. FLAKE limiting funds for the Coastal Wind Ohio project;

An amendment by Mr. FLAKE limiting funds for the Green Maintenance Building in North Bergen, New Jersey;

An amendment by Mr. FLAKE limiting funds for the National Center for Manufacturing Science in Michigan;

An amendment by Mr. FLAKE limiting funds for the University of North Alabama Green Campus Initiative;

An amendment by Mr. FLAKE limiting funds for the Center for Instrumented Critical Infrastructure in Pennsylvania;

An amendment by Mr. FLAKE limiting funds for the Alliance for NanoHealth in Texas;

An amendment by Mr. FLAKE limiting funds for the Notre Dame Innovation Park in Indiana;

An amendment by Mr. FLAKE limiting funds for the ACE Program at Maricopa Community Colleges in Arizona;

An amendment by Mr. HENSARLING limiting funds for the South Carolina HBCU Science and Technology initiative in South Carolina;

An amendment by Mr. HENSARLING limiting funds for the Environmental Science Center, University of Dubuque, Iowa;

An amendment by Mr. HENSARLING limiting funds for the Emmanuel College Center for Science Partnership in Massachusetts;

An amendment by Mr. HENSARLING limiting funds for Roosevelt University Biology Laboratory Equipment in Illinois;

An amendment by Mr. HENSARLING limiting funds for Nanosys, Inc.;

An amendment by Mr. CAMPBELL of California limiting funds for projects requested by Members of Congress and disclosed pursuant to the rules of the House, which shall be debatable for 30 minutes; and

An amendment or amendments by Mr. VISCLOSKY 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 its Subcommittee on Energy and Water Development 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 Indiana?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material during further consideration of H.R. 2641.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 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. 2641.

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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. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. TIERNEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 20, 2007, the amendment by the gentleman from New York (Mr. HINCHEY) had been disposed of and the bill had been read through page 40, line 18.

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

AMENDMENT OFFERED BY MR. ROTHMAN

Mr. ROTHMAN. 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. ROTHMAN:

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

SEC. 503. None of the funds made available in this Act may be used for the Green Maintenance Building in North Bergen, New Jersey.

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

Mr. VISCLOSKY. Mr. Chairman, I would ask unanimous consent to claim the 5 minutes in opposition to the gentleman's amendment, even though I am not opposed to the gentleman's amendment.

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

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. ROTHMAN. Mr. Chairman, I will not take my full 5 minutes. This amendment strikes an earmark for a project requested by myself and Congressman SIRES who together represent the town of North Bergen, New Jersey.

The funds allocated in this bill would have gone towards the construction of a new public works building in North Bergen, New Jersey, that would have repaired and maintained all of the vehicles for that municipality, as well as all of the fire trucks for the surrounding five towns of Weehawken, Guttenberg, West New York and Union City.

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

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

Mr. VISCLOSKY. Mr. Chairman, we would be happy to accept the gentleman's amendment.

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

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

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

The amendment was agreed to.

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

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

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

Mr. VISCLOSKY. Mr. Chairman, I want to set the stage for what is occurring on the House floor at this point in time because it is my privilege to submit to the House for final passage H.R. 2641, the Energy and Water Development Appropriations Act for Fiscal Year 2008, with its supplemental report.

On July 10, the Appropriations Committee approved the supplemental report unanimously by voice vote. As I have said before, this is a good bill and it merits the support of the entire House.

I would emphasize that the money spent in this bill, whether enumerated originally by the administration or by the Congress, are investments, investments in our national security, investments in our energy security, and investments in the health and safety of our citizens. They are investments to

create a climate and to build the infrastructure that encourages the development of new, good-paying jobs in our country.

To the extent we have made changes in the administration's priority, the changes have been to enhance the effectiveness of the programs in this bill and to complement them.

I would like to give two examples. All one needs to do is look at the West Sacramento Flood Control Project as proof that we are dealing with fundamental issues, like ensuring people and their families' lives are secure and their homes and their businesses are protected from devastating floods. In Tennessee, the Center Hill Dam is another project that Congress has funded to control flood waters and generate clean, safe and efficient hydroelectric power.

There are also examples of administration funding requests that originated in Congress years ago. For fiscal year 2006, Congress designated funds to support activities at the supervisory control and data acquisition test facilities at the Idaho National Laboratory. This system has proven itself so useful in helping to improve the reliability and robustness of the electric power grid that for fiscal year 2008 the administration has included the project as part of its project request. If nothing else, this shows how the executive and legislative branches can work together to fund important projects for the Nation, regardless of who initiated support for the idea.

Mr. Chairman, as we consider today's supplemental report to the Energy and Water Appropriations bill, I urge my colleagues to keep these factors in mind. The specific projects enumerated in this report serve a purpose: To improve the quality of life for our citizenry and to make advances on key priorities facing our Nation.

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

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

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

Mr. HOBSON. Mr. Chairman, I appreciate the fair and bipartisan manner in which the gentleman from Indiana (Mr. VISCLOSKY) as our chairman has used to put this supplemental report together. I fully support the list of congressionally directed projects that it contains. I encourage Members to support these projects and to vote for final passage of the underlying Energy and Water bill.

When we first brought this bill to the floor roughly a month ago, I expressed my concern about the absence of detailed project guidance on how to spend this much money. The supplemental report that is before the committee today resolves that concern.

Chairman VISCLOSKY and I, and our respective staffs, engaged in a lengthy bipartisan effort to sort through the thousands of earmark requests that we received. We screened the large number of requests to select the projects that had the most merit and were the best fit for inclusion in the Energy and Water bill. We have complied fully with Chairman OBEY's direction to reduce the value of our energy earmarks by one-half compared to the amount we funded in fiscal year 2006.

The Corps of Engineers faces an enormous backlog of work, somewhere between $12 billion and $60 billion, and that is before the pending WRDA bill adds another $13 billion of unfunded requirements. There is a significant need for additional funding for water resources infrastructure, above and beyond what the administration requested. This supplement provides another $770 million for specific Corps water projects. Within a total appropriation of $5.58 billion for the Corps, less than 14 percent is dedicated to congressionally directed projects. Every one of those projects is already authorized, and every one has been reviewed by the Corps to be sure they have the capability to execute it. Until we make some progress with the backlog of ongoing work, we continue the past practice of not funding any Corps new starts.

On the Department of Energy side, the committee recommended $246.5 million for 263 specific projects, which represents a 50 percent reduction from the amount of DOE earmarks contained in our fiscal year 2006 bill. Many of these projects are intended to demonstrate alternative energy technologies. It is important to note that we are spending billions of dollars on DOE's energy security mission, which includes the research, development, demonstration and deployment of advanced energy technologies. If this research is to be worth the investment, and if this research is to improve our energy security by reducing our dependence on imported oil and reducing the environmental impact of burning fossil fuels, then these technologies must ultimately be adopted by the private sector.

Therefore, a significant number of our Department of Energy earmarks are "green" buildings to demonstrate alternative energy technologies. It is important that we show the American people that there are alternatives to burning fossil fuels for power generation, for transportation, and for heating and cooling, so that builders and consumers know these alternatives are available and affordable. We intentionally put these technology demonstrations in high-traffic settings designed to get a lot of public exposure, such as museums, educational institutions, and community buildings, in order to maximize the value of these demonstrations.

We have a constitutional responsibility to appropriate funds for the Federal agencies. That means we do not simply rubber-stamp the administration's project requests, but rather, we put our own mark on the annual agency budgets. That is what this supplement represents. I support this supplement to our bill, and I encourage the other Members to do so as well.

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

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

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

SEC. 503. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the Achieving a College Education Program at Maricopa Community Colleges.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator" is hereby reduced by $1,000,000.

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

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit a million dollars, and reduce the cost of the bill by a consistent amount, from being used to fund an earmark for the ACE Program at the Maricopa County Community Colleges.

While I am often criticized for meddling in the congressional districts of other Members in my attempts to make Federal spending on earmarks transparent, that accusation would be unfounded with this amendment.

As the saying goes, "all politics is local," and this amendment makes that a truism, with a portion of Maricopa County within the boundaries of the district I represent.

As I am sure the sponsor of this earmark will be proud to tell you, the Achieving a College Education program was started in 1988 at one of the community colleges in the Maricopa system, and has spread to all 10 of its institutions.

According to the ACE Program Web site, the program is a partnership between community colleges and local high schools that was designed to reduce dropouts among at-risk high school students and transition them to community colleges and university studies.

It would be foolish and not truthful for me to stand here and say the program is not making a valuable contribution to Maricopa County. However, the criteria for receiving another Federal handout of $1 million cannot and should not rest simply on whether a program is doing valuable things.

I am certain that at many, if not all, of the hundreds upon hundreds of community colleges across the country there are important programs that are making valuable contributions to their communities. Surely the taxpayer shouldn't have to fund all of those programs. So how do we choose? How does Congress decide which important, valuable programs get funded with taxpayer dollars and which do not?

The willingness of Members of Congress to give Federal handouts to a select few has led to more than $5 billion in earmarks in this appropriations bill, a bill that is more than $1 billion over the President's request and has garnered a veto threat because of it.

In addition, this earmark is focused on education and raises the question of

why it is being funded out of the account of the Office of the Administrator of the National Nuclear Security Administration. It is my understanding that Federal funding for the ACE Program came through the Department of Housing and Urban Development in previous years.

Other earmarks in the account of the Office of the Administrator for educational programs seem to highlight math and science education. While components of the ACE Program highlight math, science, technology or engineering, this appears to be only one facet of the program and not the sole purpose at all. In fact, other components also appear to highlight health services, business industry technology, community service, adult education, personal finance, and other areas.

I would submit to my colleagues again that if simply having a program that makes a valuable contribution were enough to warrant being awarded millions of dollars, the Treasury would soon be empty.

Further, I would submit that an earmark of this variety is misplaced in the Energy and Water appropriations bill, and should at the very least be considered in the upcoming Labor, Health and Human Services appropriations bill.

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

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

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

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Arizona (Mr. PASTOR), a member of the subcommittee.

Mr. PASTOR. Mr. Chairman, as the sponsor of this program, as my colleague from Arizona has told you, it has been in existence for a number of years and has in the past received Federal funding. With the Federal funding, we have expanded this program to all of the community colleges in the Maricopa County Community College System.

My colleague asked the question why in DOE and why the Office of the Administrator? Four or 5 years ago, the Department of Energy, through the Secretary then, it was decided that the Department of Energy was going to get involved in the educational programs dealing with historically black colleges and also with Spanish-serving institutions. It was to ensure that there would be a stream of people into math and science programs.

As you know, our President has a number of times emphasized and has began initiatives through the Department of Energy that would help recruit students into the math and science classes. So when the Secretary of Energy made that commitment, knowing that that program was available to colleges and universities, a presentation was made to the Department of Energy whether this program, ACE, would be one that they had an interest in. In one of the hearings ACE was brought up.

So the Department of Energy with the board and administrators of the Maricopa County Community College System began negotiating and set up this program. The intent is to serve minority students that are enrolled in schools throughout Maricopa county, to assist them in a path of math and science. It is in cooperation with the community colleges, because MCCG is encouraging these students to go through the community college system and then take them to the university.

As this program was presented to me 3 years ago by the Maricopa County community colleges and was presented to the Department of Energy, because of the many success stories and it is a program that needs to continue.

The reason it is in DOE is because that is where the program is and that is where the moneys are allocated for this type of program.

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

Mr. FLAKE. Mr. Chairman, I have a great deal of respect for the gentleman who just spoke, Mr. PASTOR, and I know of his concern for education and his commitment there.

The point I would make again is there are many valuable programs out there. There are thousands and thousands of community colleges out there. I would think that we simply have to stop saying all right, we are going to fund this one or we are going to fund that one without some kind of criteria that should be set by somebody else other than Members of Congress because we are in a position where it happens politically.

Now that is not to say that decisions by Federal agencies aren't political. They often are. That's the responsibility of oversight, for us to step in and say you ought to have this criteria or this merit-based selection process or this competitive grant process.

But for us to say we don't like the way the Federal agencies do it so we are going to do it ourselves, I would think is not the wisest course. With that, I would urge support of the amendment. We simply can't fund all of the programs, the good programs that are out there, and maintain any type of position here in Congress of being equal or being good stewards of the taxpayer dollars. With that, I would urge support of the amendment.

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

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

Mr. PASTOR. Mr. Chairman, the program in the Department of Energy is geared to get minority students into a pathway of math and science. I did not write the program. All I did was act as a facilitator between the community college system and the Department of Energy. There is an agreement. The agreement was signed 3 years ago between the Department of Energy and the Maricopa County community colleges. In that agreement, DOE has filled out the requirements of the program that the community colleges have had to adhere to, it is an agreement between the Department of Energy and the community college system.

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All I did was facilitated between the community college and the Department of Energy, and I would ask my colleagues to reject this amendment, because the program assists minority students to achieve a college education. It's an initiative that the President has put forward, and the Department of Energy has taken on the initiative. This agreement is between the community college system and the Department of Energy.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

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

SEC. 503. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the Alliance for NanoHealth.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''Department of Energy—Science'' is hereby reduced by $750,000.

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

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $750,000, and reduce the cost of the bill by a consistent amount, from being used to fund an earmark for the Alliance for NanoHealth, or ANH.

The ANH is comprised of seven universities and scientific institutions headquartered in Houston, Texas.

ANH's mission is to collectively bridge the disciplines to develop nanotechnology-based solutions to unresolved problems in medicine.

This earmark, according to the certification letters submitted by the sponsor, will be used for electron microscopy equipment, a high-resolution CCD camera, freezing apparatuses as well, for training and for upgrades for shared equipment purchases.

In 2004, the Federal Government provided $2.4 million in start-up funding for the alliance through an earmark in the Department of Defense appropriations bill. In fiscal year 2005, the Alliance for NanoHealth received a total of $7.4 million in Federal earmarks.

In addition to the earmark in this bill, ANH is scheduled to receive another $1 million for fiscal year 2008 in the Commerce, Justice and Science appropriations bill.

There is a competitive and transparent process for awarding Federal research contracts and Federal grants, but this is not it.

Let me be clear. I congratulate the alliance for its work and for its contributions to society. I believe that we, as lawmakers, should do everything we can to encourage more private sector research and development activity, but there is a troubling and growing tendency to replace private sector activity with governmental intervention. This earmark bears witness to that.

Just look at the 2006 endowment ratings for the university members of the Alliance for NanoHealth: Number 4 on the list, University of Texas system, $13.2 billion; number 10 on the list, Texas A&M, $5.6 billion; number 55, Baylor Medical School, $1.1 billion; and the list goes on.

Let us not allow the Federal Government to push private donors aside and remove the incentive for them to contribute in this or any other endeavor.

And with that, I reserve the balance of my time.

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

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

Mr. HOBSON. I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I would like to have some kind of discussion on this, but apparently not. Apparently the sponsor of the earmark doesn't want to speak to it or we're just going to leave it.

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

Mr. HOBSON. Mr. Chairman, as I said, I rise in opposition to this amendment.

We used a bipartisan process, and I was very involved in strict adherence to the applicable House rules and a thorough examination of Member requests. This process resulted in funding recommendations for the projects that we considered the most meritorious. This project that this amendment attacks is a legitimate use of Federal funds to further the development of the Department of Energy's mission.

In closing, I believe this amendment has no basis and should be defeated, and I urge my colleagues to oppose the amendment.

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

Mr. FLAKE. Mr. Chairman, there is another disturbing trend here. It's often thought that if there is a bipartisan basis for the offering of these earmarks that it's okay. As long as 60 percent goes to the majority, 40 percent to the minority, then it's okay whatever you fund. That shouldn't be the basis on which we distribute taxpayer dollars at all.

In this case, for science grants there is a competitive and transparent process at the Federal agency level. If we're not happy with that process, we should intervene in that process, change it, mandate a more competitive process or a change in the process, instead of supplanting that process with one of our own that is far less competitive, that really is just political, because it pits one Member against another or one committee against another.

That's not how money should be awarded. If the agencies have too much money, we should cut it. If they don't have enough, we should add more. We should stipulate, we should mandate, we should have oversight of those agencies. But basically saying we're just going to have our own process because we don't like what they're doing over there is not the right way to go.

And I would say that this earmark is a good example of that, and for that reason, I offer the amendment and would urge its adoption.

Mr. Chairman, I yield back my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

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

SEC. 503. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for Concurrent Technology Corporation.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''Department of Energy—Fossil Energy Research and Development'' is hereby reduced by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I was tempted just not to offer any other amendments and just offer this one because this one is important for everyone to focus on because it points at problems not just with the earmark itself but with the process that we have in the House. And I would submit that we are not following that process as we should.

This amendment would strike funding for the Center for Instrumented Critical Infrastructure. The center is to receive $1 million in taxpayer funding in this bill.

When searching on the Web, my staff and I were unable to find the center's Web site. I'm not sure whether the center currently exists or whether this earmark creates the center. I would appreciate if the sponsor of this earmark would clear that up.

All the bill says is that it funds $1 million for the Center for Instrumented Critical Infrastructure in Pennsylvania. However, when you look at the certification letter that each Member now, according to our earmark rule, is required to submit, you see that the earmark is actually going to the Concurrent Technology Corporation based in Jonestown, Pennsylvania. This is a leading earmark recipient in multiple appropriation bills over the years.

Currently in this year, I believe in the Intelligence authorization bill this same group, Concurrent Technology, received two other earmarks. Why isn't that in the earmark itself in what we were handed? We only learned that through the certification letter. Is the earmark to go to the Instrumented Critical Infrastructure Center or to Concurrent Technology? I would love to have that clarified here.

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

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

Mr. FLAKE. Mr. Chairman, I take it the sponsor of this earmark is not here to talk about it, but if I could ask the chairman where the earmark is supposed to go. Does the earmark go to this Center for Instrumented Critical Infrastructure or to Concurrent Technology?

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

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

Mr. VISCLOSKY. I'm sorry, I did not hear the gentleman's question.

Mr. FLAKE. I'm wondering, in the report that accompanied the bill, it mentioned that the earmark was to go to the Center for Instrumented Critical Infrastructure, but the certification letter says that it's going to go to that but the earmark should actually go to Concurrent Technology Corporation. Which is it?

Mr. VISCLOSKY. It is my understanding that it will go to the Center for Instrumented Critical Infrastructure.

Mr. FLAKE. Does that center currently exist?

Mr. VISCLOSKY. At this time, I do not know, but if it does not exist, the moneys could not go to it.

Mr. FLAKE. We were told in this process early on by the chairman of the Appropriations Committee that a different process was needed, that the earmarks should be added later in conference and not now because the Appropriations Committee simply couldn't vet or scrub these earmarks well enough. I would submit that this is a perfect example of that.

We've had another example. One earmark was actually withdrawn, one on the list that I was to offer, because it hadn't been adequately scrubbed. I would submit that this one should be as well, when the chairman of the relevant subcommittee can't tell us if this

center even exists. We don't know if it even exists, if it's created by this earmark.

Concurrent Technology has been the recipient of millions upon millions of dollars over the years. The executives in Concurrent Technology contribute handsomely to Members of Congress. So it receives a lot of earmarks. It seems to be an earmark incubator of some type, an earmark that begets more earmarks.

And yet we have the report that comes with the bill that doesn't even mention Concurrent Technology. It just mentions this center as if it already existed. We don't even know if it does. We can't even find any information on it, and apparently we can't even get that information from the Appropriations Committee.

So I would submit that this is what this process is about. This is why we come to the floor. This is why we invite the sponsor of the earmark to defend the earmark. But I would say again, does this center exist? Do we even know if it exists? How do we know if it's a good center or a bad center? Is this Concurrent Technology, which already receives millions and millions of dollars in other bills, worthy of another earmark to create another center?

These are the questions that we have to ask.

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

Mr. VISCLOSKY. I would continue to reserve my time.

Mr. FLAKE. Mr. Chairman, I guess I will finish off. I will call for a vote on this one, but I think it's important when Members are voting on this earmark and whether to retain it that we have to know what we know and know what we don't know.

We don't know if this center even exists. We are appropriating money for a center where the Appropriations Committee that has a responsibility to vet this earmark can't even tell us here if this even exists. We don't know that. We're voting on an earmark where in the report it says it goes to the center, but here in the certification letter it mentions Concurrent Technology, a private company. Which is it?

If we don't know these facts, we don't know what's going on here, I would say the thing to do is to vote this down, to actually vote for the amendment and wait until the Appropriations Committee actually has time to scrub and to vet these earmarks a little more carefully.

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

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

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

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

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

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

Mr. VISCLOSKY. 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. DAVIS of Illinois) having assumed the chair, Mr. TIERNEY, 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. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 1, IMPROVING AMERICA'S SECURITY ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Homeland Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Thompson of Mississippi, Ms. Loretta Sanchez of California, Mr. Dicks, Ms. Harman, Mrs. Lowey, Ms. Jackson-Lee of Texas, Mrs. Christensen, Messrs. Etheridge, Langevin, Cuellar, Al Green of Texas, Perlmutter, King of New York, Smith of Texas, Souder, Tom Davis of Virginia, Daniel E. Lungren of California, Rogers of Alabama, McCaul of Texas, Dent, and Ms. Ginny Brown-Waite of Florida.

From the Committee on Armed Services, for consideration of secs. 1202, 1211, 1221, 1232, 1233, and 1241 of the House bill, and section 703 of the Senate amendment, and modifications committed to conference: Messrs. Skelton, Spratt, and Saxton.

From the Committee on Energy and Commerce, for consideration of Title I, Title II, secs. 743 and 901 of the House bill, and Title III, secs. 1002, 1481, 1482, 1484, and Title XVII of the Senate amendment, and modifications committed to conference: Messrs. Dingell, Markey, and Barton of Texas.

From the Committee on Foreign Affairs, for consideration of secs. 601, 1202, 1211, 1221, 1222, 1232, 1233, 1241, 1302, 1311, 1312, 1322, 1323, 1331–1333, 1412, 1414, 1422, 1431, and 1441–1443 of the House bill, and secs. 502, 1301, Title XVIII, secs. 1911–1913, and 1951 of the Senate amendment, and modifications committed to conference: Messrs. Lantos, Ackerman, and Ms. Ros-Lehtinen.

From the Committee on the Judiciary, for consideration of secs. 406, 501, 601, 702, and Title VIII of the House bill, and secs. 123, 501–503, 601–603, 1002, and 1432 of the Senate amendment, and modifications committed to conference: Mr. Conyers, Ms. Zoe Lofgren of California, and Mr. Sensenbrenner.

From the Committee on Oversight and Government Reform, for consideration of sec. 408 and subtitle A of title VIII of the House bill, and secs. 114, 601, 602, 903, 904, 1203, 1205, and 1601 of the Senate amendment, and modifications committed to conference: Messrs. Waxman, Clay, and Issa.

From the Permanent Select Committee on Intelligence, for consideration of secs. 601, 712, 723, 732, 733, 741, 742, and subtitle A of title VIII of the House bill, and secs. 111–113, 121, 122, 131, 502, 601, 602, 703, 1201–1203, 1205, 1206, and 1606 of the Senate amendment, and modifications committed to conference: Messrs. Reyes, Cramer, and Hoekstra.

From the Committee on Science and Technology, for consideration of secs. 703, 1301, 1464, 1467, and 1507 of the Senate amendment, and modifications committed to conference: Messrs. Gordon of Tennessee, Wu, and Gingrey.

From the Committee on Transportation and Infrastructure, for consideration of Titles I–III, sec. 1002, and Title XI of the House bill, and secs. 202, 301, Title IV, secs. 801–803, 807, 901, 1001, 1002, 1101–1103, 1422–1424, 1426, 1427, 1429, 1430, 1433, 1436–1438, 1441, 1443, 1444, 1446, 1449, 1464, 1473, 1503, and 1605 of the Senate amendment, and modifications committed to conference: Messrs. Oberstar, DeFazio, and Mica.

For consideration of Title II of the House bill, and Title III and subtitle C of title XIV of the Senate amendment, and modifications committed to conference: Mr. Larson of Connecticut.

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 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. 2641.

□ 1335

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. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. TIERNEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) had been postponed.

AMENDMENT NO. 35 OFFERED BY MR. HENSARLING

Mr. HENSARLING. 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. 35 offered by Mr. HENSARLING:

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

None of the funds in this Act may be used for the South Carolina HBCU Science and Technology initiative (SC).

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

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this particular amendment would save the taxpayers $1.5 billion. This would