Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—26

Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Burton (IN)
Buyer
Cannon
Cantor
Conaway
Culberson
Flake
Foxx
Franks (AZ)
Hensarling
Lamborn
Lungren, Daniel E.
Marchant
Miller, Gary
Pence
Poe
Royce
Shadegg
Simpson
Souder

ANSWERED ''PRESENT''—2

Gohmert
Sali

NOT VOTING—16

Abercrombie
Brown-Waite, Ginny
Carson
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Diaz-Balart, L.
Diaz-Balart, M.
Hobson
LaHood
Marshall
Peterson (PA)
Sensenbrenner
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minute remaining in this vote.

□ 1305

Mrs. BLACKBURN changed her vote from ''yea'' to ''nay.''

Mr. JOHNSON of Georgia changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. Conferees will be appointed at a later time.

GENERAL LEAVE

Mr. MOLLOHAN. 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 on H.R. 3093 and that I may include tabular material on the same.

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

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3093.

□ 1306

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 consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, today we're considering the fiscal year 2008 appropriations bill for the Departments of Commerce, Justice, Science and Related Agencies.

Before I get into the substance of the bill, Mr. Chairman, I want to thank my ranking member, RODNEY FRELINGHUYSEN, for his important contributions to this bill. He's done an outstanding job. He's been a terrific partner, and I respect and appreciate the expertise that he brings to our subcommittee. He has a strong commitment to our law enforcement agencies and grant programs for at-risk individuals. Mr. Chairman, he's demonstrated a real desire to make sure that the U.S. has adequate resources to negotiate fair trade agreements and the means to obtain an accurate census. I thank him for his assistance. I sincerely also want to thank his personal staff, Katie Hazlett and Nancy Fox, and minority staff, Frank Cushing and Mike Ringler, for their help during this whole process.

Mr. Chairman, I also want to express my thanks to Chairman DAVID OBEY who has done an excellent job leading the Appropriations Committee through a hectic year that began with a continuing resolution.

I also want to express my sincere gratitude to a tremendous subcommittee staff. This bill would not have been possible without the extreme hard work of Michelle Burkett, Meg

Thompson, Marjorie Duske, Tracey LaTurner, Dennis Dauphin and Jennifer Eskra, who sacrificed long hours many days to complete this bill.

I also appreciate the strong efforts and expertise of the full committee, including majority staff director Rob Nabors, John Daniel, David Reich, and Leslie Turner.

Lastly, I want to recognize my personal staff for their hard work, Sally Moorhead and Julie Aaronson, who have done a tremendous job working on the bill as well.

Now, Mr. Chairman, turning to the substance of the bill. Mr. Chairman, this bill totals $53.6 billion in spending and was formulated with input gathered from 24 hearings, including agencies that had not had a hearing since fiscal year 2005. We also heard expert testimony from outside witnesses regarding law enforcement needs, the importance of scientific research for our Nation's competitiveness, and the need for Federal investment in local and regional economic development.

Through these hearings, we developed a fair and bipartisan appropriations bill that responds to legislative priorities supported on both sides of the aisle. Those priorities include both programmatic funding and congressionally directed spending for projects in individual districts. Pursuant to the strong rules put in place by the House and the full Appropriations Committee this year, designated funding has been cut in half from the fiscal year 2006 enacted level, and oversight has been increased by examining closely and carefully each earmark request and the accompanying certification letters.

In several areas in the bill, Mr. Chairman, this subcommittee has eliminated earmarks and instead has created competitive accounts in which eligible entities may compete by submitting proposals to the agency for Federal funding. This process will increase transparency, spur innovative solutions, and allow programs nationwide to compete in the marketplace of ideas.

Mr. Chairman, I'm particularly pleased that this subcommittee, which funds the major science agencies for the Federal Government, has taken on the issue of climate change. This bill funds $1.9 billion worth of climate change initiatives, an increase of $164 million above the President's request. Now that the scientific community has determined that global warming and the resulting climate changes are real phenomena, we must identify steps to be taken and strategies to be adopted in response to global climate change, and this bill does so by funding new programs in the Department of Commerce, in NASA, and in the National Science Foundation. Some of the climate change initiatives in this bill include:

Funds to improve data collection associated with understanding global climate change, including restoring critically important sensors on the National Polar-orbiting Operating Environmental Satellite System, NPOESS;

Second, funding increases for competitive climate research grants in NOAA's operating, research and facilities account;

Third, two new education programs directed at climate change as recommended by the National Academies;

Fourth, additional funds to the Marine Mammal Commission for monitoring mammal adaptation to climate change;

And, finally, Mr. Chairman, $6 million in NOAA for an investigation and study by the National Academy of Sciences on climate change.

This climate change study by the National Academy of Sciences will be a science-driven report examining the climate change data that has been collected in the last decade to provide the Federal Government, the business sector and other interested parties with an understanding of what we know and what we don't know about climate change and the options for how to proceed in the future. This landmark study process will begin with a 3-day climate change summit, at which top experts in the field will gather to determine the study's scope and topics. This subcommittee will take great efforts in this process to assure that agency agendas and politics do not get in the way of good science guidance to this country which it needs to move forward.

Mr. Chairman, perhaps the most vital theme in this bill is law enforcement and protection for our communities. The job of funding the Department of Justice was made more challenging by funding holes in the President's inadequate budget request. In this bill, we increased funding for the Department of Justice above the President's request by $1.68 billion for a total funding for the Department of Justice of $23.9 billion.

The President requested $1.475 billion for State and local law enforcement. Well, this was $1.4 billion below the fiscal year 2007 enacted level, thus creating a huge hole in the bill.

□ 1315

The bill provides $3.195 billion for State and local law enforcement, and that is a 53 percent increase above the President's request and a 10 percent increase above fiscal year 2007 levels.

The President's request would eliminate the existing Office of Justice Program's formula program and discretionary grants, and create three vaguely defined initiatives to be administered under the sole discretion of the Attorney General. This bill rejects the administration's proposal and provides funds directly to State and local law enforcement.

Other key funding increases in the Department of Justice include two new competitive grant programs. The first is the Youth Mentoring Grants, funded at $100 million. The second, a $10 million program, will provide competitive grants to programs of national significance to prevent crime and improve the administration of justice or assist victims of crime. This bill provides $725 million for the Community Oriented Policing Services programs, which played a vital major role in reducing crime in the 1990s.

Within this total, $100 million is for restarting the COPS hiring program, which has not been funded since 2005. Many Members contacted the subcommittee and myself and the ranking member with regard to the COPS program. I am very pleased that we were able to restart this COPS hiring program, which was extremely effective in reducing that crime rate in the 1990s.

This bill also offers comprehensive funding to help State and local law enforcement address the methamphetamine epidemic, including $600 million in Justice Assistance Grants, $85 million for meth-specific COPS grants, $40 million for Drug Court programs, $10 million for State Prison Treatment Drug Programs, and $20.6 million for DEA Mobile Enforcement teams, which Mr. FRELINGHUYSEN was so instrumental in advocating. The President proposed to terminate all of these programs.

The bill also provides funding for Southwest Border Methamphetamine Enforcement. The bill increases funding for Violence Against Women Act, the VAWA programs, by $60 million for a total funding of $430 million, and rejects the President's proposal for VAWA's 14 grant programs. Tremendous interest among both the parties, Democrats, Republicans, for VAWA, and we are very pleased to bring a bill to the floor that can increase the violence against women programs by $60 million, I repeat, for a total of $430 million.

Lastly, within the Department of Justice, the bill provides $25.4 million and increases for several Federal law enforcement agencies to implement the Adam Walsh Act of 2006. Increased funding is provided in several accounts within the Department of Justice for the apprehension and prosecution of sex offenders. An increase of $14 million, for a total of $61.4 million, is also provided for the Missing Children programs.

Mr. Chairman, the Department of Commerce recommendation is $7 billion, a little over $7 billion, an increase of $497 million above the President's request.

In the bill the committee restores funding for a number of programs that the President cut or eliminated, including the Advanced Technology Program, the Manufacturing Extension Program, and the Public Telecommunications Facilities Program.

In the Census Bureau, funds were restored for the Survey of Income and Program Participation, an extremely important program with great interest among the body, and community partnership program has been restored as well. For the Economic Development

Administration, an increase of $100 million was provided to reverse a recent downward trend in funding. The bill also rejects the President's proposal to consolidate the economic development programs into a single regional development account.

Mr. Chairman, for the National Oceanic and Atmospheric Administration, the bill provides robust funding of almost $4 billion. The bill establishes competitive funding in the Coastal Estuarine and the Land Conservation Program and the Integrated Ocean Observing System, and also competitive funding in the education account.

In support of the Innovation Agenda, the committee funds the National Institute of Standards and Technology at $831 million, an increase of $190 million above the President's request, and provides $6.5 billion to the National Science Foundation to continue the goal of doubling the National Science Foundation funding in 10 years.

The bill also provides an increase of $72 million in National Science Foundation over the President's request for education programs.

In NASA, the bill provides $17.6 billion, an increase of $313 million above the President's request. This funding restores the cuts made by the administration in science and aeronautics and the education portfolios, and provides the funding in a new account structure to improve transparency and understandability of NASA's submissions.

We have tried in a small way to give NASA the increases that it needs where the President has been negligent. The President's budget request made an ambitious proposal in the Vision for Space Exploration for the United States to return to the moon and to eventually go to Mars; however, by all accounts, he did not fund his vision adequately. The most recent telling evidence of this shortfall is the fact that the President's proposal assumes the inability of the United States to access space for a gap of 4 years between when the space station retires and when the CEV launches on its first official flight, the crew exploration vehicle. This leaves the United States with no guaranteed source of transportation during that gap to the space station.

I want to make clear to Members that the gap has nothing to do with the continuing resolution of last year. Full ownership of this gap resides with the President. His unfunded mandate of the vision, as well as the fact that NASA had to pay for return to flight after the Columbia accident out of its own hide, has resulted in NASA being forced to rob Peter, science and aeronautics, to pay for Paul, shuttle, space station and exploration. In the end there is not enough for either Peter or Paul.

The President has to acknowledge his inadequate budget request in this area. We invite him to reinvigorate and legitimize the Vision for Space Exploration by asking for necessary funds for returning to the moon and for going to Mars eventually and for other key NASA missions through a budget amendment or through an adequate fiscal year 2009 request. Otherwise, limited U.S. access to space and stagnation of key NASA programs will be, in this area, the President's legacy, the President's legacy in space.

This bill makes positive changes in some of the smaller agencies. We have added $66 million above the President's request to the Legal Services Corporation for a total of $337 million. We have added $5 million to the EEOC to reduce the backlog of pending cases, and included a provision to eliminate the outsourcing of the EEOC call center. We have restored funding for the National Veterans Business Development Corporation, which was zeroed out in the President's request, and we have provided additional funds to the Marine Mammal Commission for monitoring mammal adaptation to climate change.

There are many worthwhile programs in this bill. This reviews the highlights of them, and this bill represents a responsible bipartisan approach to funding these priorities, and we are pleased to bring it to the body today.

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	403,604	425,431	430,431	+26,827	+5,000
Offsetting fee collections	-8,000	-13,000	-8,000	---	+5,000
Direct appropriation	395,604	412,431	422,431	+26,827	+10,000
Bureau of Industry and Security					
Operations and administration	60,815	64,009	64,009	+3,194	---
CWC enforcement	14,579	14,767	14,767	+188	---
Total, Bureau of Industry and Security	75,394	78,776	78,776	+3,382	---
Economic Development Administration					
Economic development assistance programs	250,741	170,000	270,000	+19,259	+100,000
Salaries and expenses	29,882	32,800	32,800	+2,918	---
Total, Economic Development Administration	280,623	202,800	302,800	+22,177	+100,000
Minority business development	29,725	28,701	31,225	+1,500	+2,524
Economic and Statistical Analysis	79,751	85,000	86,500	+6,749	+1,500
Bureau of the Census					
Salaries and expenses	196,647	202,838	196,838	+191	-6,000
Periodic censuses and programs	696,365	1,027,406	1,035,406	+339,041	+8,000
Total, Bureau of the Census	893,012	1,230,244	1,232,244	+339,232	+2,000
National Telecommunications and Information Administration					
Salaries and expenses	18,062	18,581	18,581	+519	---
Public telecommunications facilities, planning and construction	21,728	---	21,728	---	+21,728
Technology opportunities program	---	---	---	---	---
Total, National Telecommunications and Information Administration	39,790	18,581	40,309	+519	+21,728
United States Patent and Trademark Office					
Current year fee funding	1,771,000	1,915,500	1,915,500	+144,500	---
Offsetting fee collections	-1,771,000	-1,915,500	-1,915,500	-144,500	---
Total, Patent and Trademark Office	---	---	---	---	---
Technology Administration	2,020	1,557	1,000	-1,020	-557
National Institute of Standards and Technology					
Scientific and technical research and services	434,371	500,517	500,517	+66,146	---
(Transfer out)	(-987)	(-12,500)	(-12,500)	(-11,513)	---
Industrial technology services	183,819	46,332	201,819	+18,000	+155,487
Manufacturing Extension Partnerships	(104,757)	(46,332)	(108,757)	(+4,000)	(+62,425)
Advanced Technology Program	(79,062)	---	(93,062)	(+14,000)	(+93,062)
Construction of research facilities	58,686	93,865	128,865	+70,179	+35,000
Working capital fund (by transfer)	(987)	(12,500)	(12,500)	(+11,513)	---
Total, National Institute of Standards and Technology	676,876	640,714	831,201	+154,325	+190,487

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,738,169	2,763,866	2,847,556	+109,387	+83,690
Emergency appropriations (P.L. 110-28)	170,400	---	---	-170,400	---
Promote and Develop Fund (by transfer)	(79,000)	(77,000)	(77,000)	(-2,000)	---
Coastal zone management transfer	2,962	3,000	3,000	+38	---
Subtotal	2,911,531	2,766,866	2,850,556	-60,975	+83,690
Procurement, acquisition and construction	1,110,119	979,893	1,039,098	-71,021	+59,205
Pacific coastal salmon recovery	66,638	66,825	64,825	-1,813	-2,000
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fisheries finance program account	-7,000	-1,000	-1,000	+6,000	---
Total, National Oceanic and Atmospheric Administration	4,078,288	3,809,584	3,950,479	-127,809	+140,895
Departmental Management					
Salaries and expenses	47,121	58,693	58,693	+11,572	---
Travel and tourism	3,949	---	---	-3,949	---
HCHB renovation and modernization	---	4,300	3,364	+3,364	-936
Office of Inspector General	22,592	23,426	23,426	+834	---
National Intellectual Property Law Enforcement Coordination Council	---	1,000	1,000	+1,000	---
Total, Departmental Management	73,662	87,419	86,483	+12,821	-936
Total, title I, Department of Commerce	6,624,745	6,595,807	7,063,448	+438,703	+467,641
Appropriations	(6,454,345)	(6,595,807)	(7,063,448)	(+609,103)	(+467,641)
Emergency appropriations	(170,400)	---	---	(-170,400)	---
(By transfer)	(79,987)	(89,500)	(89,500)	(+9,513)	---
(Transfer out)	(-987)	(-12,500)	(-12,500)	(-11,513)	---
TITLE II - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	97,832	104,777	104,777	+6,945	---
Justice information sharing technology	123,559	100,500	100,500	-23,059	---
Tactical law enforcement wireless communications	89,198	81,353	81,353	-7,845	---
Total, General Administration	310,589	286,630	286,630	-23,959	---
Administrative review and appeals	229,142	247,499	247,499	+18,357	---
Office for Immigration Review (by transfer)	---	(4,000)	(4,000)	(+4,000)	---
Detention trustee	1,225,816	1,294,226	1,260,872	+35,056	-33,354
Office of Inspector General	70,603	73,208	74,708	+4,105	+1,500
Transfer from FBI (P.L. 110-28) (emergency)	(500)	---	---	(-500)	---
United States Parole Commission					
Salaries and expenses	11,509	12,194	12,194	+685	---
Legal Activities					
General legal activities: direct appropriation	677,154	750,584	750,584	+73,430	---
Emergency appropriations (P.L. 110-28)	1,648	---	---	-1,648	---
Vaccine injury compensation trust fund (permanent)	6,252	6,833	6,833	+581	---
Antitrust Division	147,819	155,097	155,097	+7,278	---
Offsetting fee collections - current year	-129,000	-139,000	-139,000	-10,000	---
Direct appropriation	18,819	16,097	16,097	-2,722	---
United States Attorneys					
Salaries and expenses	1,654,886	1,747,822	1,747,822	+92,936	---
Emergency appropriations (P.L. 110-28)	5,000	---	---	-5,000	---

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Trustee System Fund	223,152	231,899	189,000	-34,152	-42,899
Offsetting fee collections	-218,216	-184,000	-184,000	+34,216	---
Interest on U.S. securities	-4,936	-5,000	-5,000	-64	---
Direct appropriation	---	42,899	---	---	-42,899
Foreign Claims Settlement Commission	1,561	1,709	1,709	+148	---
United States Marshals Service					
Salaries and expenses	812,070	899,875	883,766	+71,696	-16,109
Emergency appropriations (P.L. 110-28)	6,450	---	---	-6,450	---
Construction	6,846	---	2,451	-4,395	+2,451
Total, United States Marshals Service	825,366	899,875	886,217	+60,851	-13,658
Fees and expenses of witnesses	171,000	168,300	168,300	-2,700	---
Community Relations Service	10,221	9,794	9,794	-427	---
Assets forfeiture fund	21,211	20,990	20,990	-221	---
Total, Legal activities	3,393,118	3,664,903	3,608,346	+215,228	-56,557
Salaries and expenses, National Security Division	66,970	78,056	78,056	+11,086	---
Emergency appropriations (P.L. 110-28)	1,736	---	---	-1,736	---
Interagency Law Enforcement					
Interagency crime and drug enforcement	497,935	509,154	509,154	+11,219	---
Federal Bureau of Investigation					
Salaries and expenses	3,729,518	4,041,370	4,189,531	+460,013	+148,161
Emergency appropriations (P.L. 110-28)	258,000	---	---	-258,000	---
Transfer to OIG (P.L. 110-28) (emergency)	(-500)	---	---	(+500)	---
Counterintelligence and national security	2,259,663	2,308,580	2,308,580	+48,917	---
Direct appropriation	6,247,181	6,349,950	6,498,111	+250,930	+148,161
Construction	51,392	81,352	33,191	-18,201	-48,161
Total, Federal Bureau of Investigation	6,298,573	6,431,302	6,531,302	+232,729	+100,000
Drug Enforcement Administration					
Salaries and expenses	1,956,967	2,041,818	2,081,818	+124,851	+40,000
Emergency appropriations (P.L. 110-28)	16,166	---	---	-16,166	---
Diversion control fund	-212,078	-239,249	-239,249	-27,171	---
Total, Drug Enforcement Administration	1,761,055	1,802,569	1,842,569	+81,514	+40,000
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	984,097	1,013,980	1,013,980	+29,883	---
Federal Prison System					
Salaries and expenses	4,995,433	5,151,440	5,171,440	+176,007	+20,000
Emergency appropriations (P.L. 110-28)	17,000	---	---	-17,000	---
Buildings and facilities	432,425	210,003	95,003	-337,422	-115,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,322	2,477	2,477	-845	---
Total, Federal Prison System	5,448,180	5,363,920	5,268,920	-179,260	-95,000
Violence against women office	382,571	370,005	430,000	+47,429	+59,995

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Justice Programs					
Justice assistance	238,340	167,269	250,000	+11,660	+82,731
State and local law enforcement assistance	1,236,804	550,000	1,315,000	+78,196	+765,000
Emergency appropriations (P.L. 110-28)	50,000	---	---	-50,000	---
Weed and seed program fund	49,361	---	---	-49,361	---
Community oriented policing services	541,838	32,308	725,000	+183,162	+692,692
Juvenile justice programs	338,361	280,000	399,900	+61,539	+119,900
Public safety officers benefits:					
Death benefits	65,000	66,000	66,000	+1,000	---
Disability and education benefits	8,834	9,100	9,100	+266	---
Subtotal	73,834	75,100	75,100	+1,266	---
Total, Office of Justice Programs	2,528,538	1,104,677	2,765,000	+236,462	+1,660,323
Total, title II, Department of Justice	23,210,432	22,252,323	23,929,230	+718,798	+1,676,907
Appropriations	(22,854,432)	(22,252,323)	(23,929,230)	(+1,074,798)	(+1,676,907)
Emergency appropriations	(356,000)	---	---	(-356,000)	---
TITLE III - SCIENCE					
Executive Office of the President					
Office of Science and Technology Policy	5,528	5,515	5,515	-13	---
National Aeronautics and Space Administration					
Science	---	---	5,696,100	+5,696,100	+5,696,100
Aeronautics	---	---	700,000	+700,000	+700,000
Exploration	---	---	3,923,800	+3,923,800	+3,923,800
Education	---	---	220,300	+220,300	+220,300
Cross-agency support programs	---	---	356,000	+356,000	+356,000
Space operations	---	---	6,691,700	+6,691,700	+6,691,700
Science, aeronautics and exploration	10,086,482	10,483,100	---	-10,086,482	-10,483,100
Exploration capabilities	6,145,594	6,791,700	---	-6,145,594	-6,791,700
Emergency appropriations (P.L. 110-28)	20,000	---	---	-20,000	---
Office of Inspector General	32,224	34,600	34,600	+2,376	---
Total, National Aeronautics and Space Administration	16,284,300	17,309,400	17,622,500	+1,338,200	+313,100
National Science Foundation					
Research and related activities (non-defense)	4,598,430	5,064,690	5,072,690	+474,260	+8,000
Defense function	67,520	67,000	67,000	-520	---
Subtotal	4,665,950	5,131,690	5,139,690	+473,740	+8,000
Major research equipment and facilities construction	190,881	244,740	244,740	+53,859	---
Education and human resources	796,693	750,600	822,600	+25,907	+72,000
Agency operations and award management	248,245	285,590	285,590	+37,345	---
National Science Board	3,969	4,030	4,030	+61	---
Office of Inspector General	11,427	12,350	12,350	+923	---
Total, National Science Foundation	5,917,165	6,429,000	6,509,000	+591,835	+80,000
Total, title III, Science	22,206,993	23,743,915	24,137,015	+1,930,022	+393,100
Appropriations	(22,186,993)	(23,743,915)	(24,137,015)	(+1,950,022)	(+393,100)
Emergency appropriations	(20,000)	---	---	(-20,000)	---
TITLE IV - RELATED AGENCIES					
Antitrust Modernization Commission	462	---	---	-462	---
Commission on Civil Rights	8,972	8,800	9,000	+28	+200
Equal Employment Opportunity Commission	328,746	327,748	332,748	+4,002	+5,000

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission	61,950	68,400	68,400	+6,450	---
Payment to the Legal Services Corporation	348,578	310,860	377,000	+28,422	+66,140
Marine Mammal Commission	2,896	2,299	3,000	+104	+701
National Veterans Business Development Corporation	1,481	---	2,500	+1,019	+2,500
Office of the U.S. Trade Representative	44,207	44,407	48,407	+4,200	+4,000
State Justice Institute	3,455	---	4,640	+1,185	+4,640
Total, title IV, Related agencies	800,747	762,514	845,695	+44,948	+83,181
TITLE VI - RESCISSIONS					
DEPARTMENT OF COMMERCE					
National Institute of Standards and Technology					
Industrial technology services (rescission)	-7,000	---	---	+7,000	---
National Oceanic and Atmospheric Administration					
Rescission	-25,000	---	---	+25,000	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-48,607	---	---	+48,607
Department-wide (rescission)	---	---	-41,848	-41,848	-41,848
DEPARTMENT OF JUSTICE					
Violent crime reduction program (rescission)	-8,000	---	---	+8,000	---
General Administration					
Working capital fund (rescission)	-2,500	-41,000	-41,000	-38,500	---
Telecommunications Carrier Compliance Fund(rescission)	-39,000	---	---	+39,000	---
Detention trustee	---	---	-135,000	-135,000	-135,000
Legal Activities					
Assets forfeiture fund (rescission)	-170,000	-240,000	-240,000	-70,000	---
Office of Justice Programs					
Office of Justice programs (rescission)	-78,000	-87,500	-87,500	-9,500	---
Community oriented policing services (rescission)	-31,000	-87,500	-87,500	-56,500	---
COPS violent crime reduction fund (rescission)	---	---	-10,278	-10,278	-10,278
Department-wide (rescission)	---	---	-86,000	-86,000	-86,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Agency-wide (rescission)	---	---	-69,832	-69,832	-69,832
NATIONAL SCIENCE FOUNDATION					
Agency-wide (rescission)	---	---	-24,000	-24,000	-24,000
Total, title VI, Rescissions	-360,500	-504,607	-822,958	-462,458	-318,351
Grand total	52,482,417	52,849,952	55,152,430	+2,670,013	+2,302,478
Appropriations	(52,296,517)	(53,354,559)	(55,975,388)	(+3,678,871)	(+2,620,829)
Emergency appropriations	(546,400)	---	---	(-546,400)	---
Rescissions	(-360,500)	(-504,607)	(-822,958)	(-462,458)	(-318,351)
(By transfer)	(80,487)	(93,500)	(93,500)	(+13,013)	---
(Transfer out)	(-1,487)	(-12,500)	(-12,500)	(-11,013)	---

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

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

I am pleased to join my chairman, the gentleman from West Virginia (Mr. MOLLOHAN), in beginning the consideration of H.R. 3093, making appropriations for fiscal year 2008 for the Departments of Commerce and Justice, and Science, and Related Agencies. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities to the farthest reaches of space exploration.

The bill before the House today addresses a number of critical national needs and requirements. The chairman has done an outstanding job in balancing many competing interests and has put together a solid bill in a fair and even-handed manner. I appreciate his openness and responsiveness, as well as his thorough understanding of each and every program in this bill.

I would also like to thank all Members of the subcommittee for their help and assistance and their advocacy, and also the staff on both sides of the aisle who spent long, long hours in putting this bill and report together.

On the minority side Mike Ringler and Frank Cushing, who have been mentioned; and Nancy Fox and Katie Hazlett of my personal staff; and on the majority side, Michelle Burkett, Marjorie Duske, Tracey LaTurner, Meg Thompson, Dennis Dauphin, Jennifer Eskra; and, as the chairman has noted, his great personal staff, Sally Moorhead and Julia Aaronsen.

Mr. Chairman, the bill includes important increases to priority programs that all Members can support. Throughout our extensive hearing schedule, we heard about urgent funding requests, including the need to address a growing violent crime rate that has begun to rise again after many years of decline, and the need to boost our Nation's competitiveness through more investments in scientific research and science and math education.

However, I also believe we could have met the most pressing needs by prioritizing within a lower allocation, the allocation giving this subcommittee $53.5 billion, which is $3.2 billion, or 6.4 percent, over 2007; and $2.3 billion, or 4.5 percent, over the President's request. This very generous allocation allows everything to grow and is, I believe, more than sufficient to address the highest-priority needs in a satisfactory way.

By comparison, the House passed a CJS bill with an allocation that exceeded the President's request by less than a quarter of 1 percent last year. That bill addressed critical priorities and passed overwhelmingly on the House floor.

As others have stated about earlier bills, the size of the allocation this year may make it more difficult to produce a bill that will get signed into law, so I look forward to continuing to work together with the chairman towards that goal.

I would also like to briefly highlight some of the more important contents of the bill. For the Department of Commerce, the bill includes $7.1 billion, including the full requested level for the critical functions of the National Weather Service, and important investments in NOAA's ocean and climate research.

I appreciate the chairman has included funding in the bill to strongly support the trade agencies empowering the U.S. Trade Representative in the International Trade Administration to negotiate, verify and enforce trade agreements that are free and fair, and to ensure an even playing field for American businesses and workers.

Requested increases for NIST under the President's American Competitiveness Initiative are fully funded, as is the Manufacturing Extension Partnership at $108.8 million.

The bill also included $1.9 billion, or an 8½ percent increase, for the Patent and Trademark Office, and fully funds the request to support the ramp-up to the 2010 decennial census.

On the Justice side for the Department of Justice, the bill includes $23.7 billion, $1.7 billion above the request. The bill restores $1.7 billion to the administration proposed to reduce from State and local law enforcement accounts, including programs addressing violence against women, violent gangs, the meth epidemic, child exploitation and the continuing need for interoperable law enforcement communications.

I am very pleased that the chairman agrees that we must insist on standards and best practices for the use of these types of grant funds. It is not acceptable simply to pass out money to local jurisdictions without stringent requirements to follow accepted standards and proven program models. I salute the chairman for including language specifically under the COPs law enforcement technologies to ensure that funds go towards equipment that meets all relevant Federal standards.

Despite the sizeable increase in State and local law enforcement programs, many Members are concerned about the funding for SCAAP, the State Criminal Alien Assistance Program. An amendment to increase the funding to the current-year level was adopted at the committee level.

□ 1330

We may see further amendments to increase it even further. The costs incurred to incarcerate undocumented criminal aliens continue to be an enormous financial burden on our towns and cities. The SCAAP program provides important partial Federal reimbursement for costs relating to what is truly a national, not a local, problem, immigration enforcement.

The bill also includes important investments to fight the national epidemic methamphetamine abuse: $600 million for Justice Assistance Grants which support local drug task forces, the Byrne Grants; $85 million in grants to combat meth, that epidemic; $40 million for drug courts; and funding for the DEA to support State and local efforts and to fight international drug trafficking.

The FBI is funded above the President's request, which is necessary in order to continue current staffing and operations levels while also funding urgent increases in counterterrorism programs. The Appropriations Committee has been at the forefront of the FBI's transformation into our Nation's premier counterterrorism agency, and I am pleased we are able to continue that support this year.

Too often we fail to recognize the critical and often dangerous work that the FBI special agents and, may I say, also the DEA and AFT special agents do both at home and abroad in order to detect and prevent terrorist and other types of attacks. This is incredibly important work. This bill strongly supports those efforts while providing necessary funding for the FBI to fulfill its traditional roles and address emerging problems, such as child exploitation, the growth of violent gangs, and human trafficking.

One area where I believe we should have done more in light of the generous allocation is in Federal law enforcement. In the joint resolution for 2007, the Congress provided more than $1 billion above the freeze to support current operations and urgent increases for Federal law enforcement. In many cases, these increases were not assumed in the formulation of the President's budget for 2008. So while most Federal law enforcement accounts are funded at least at the President's request in this bill, there still will be some negative consequences in the form of personnel reductions and hiring freezes at some agencies, including the DEA, the AFT, and the new National Security Division. The chairman has been very cooperative thus far in helping to lessen the impacts on the DEA, and I hope we can work together to improve funding for Federal law enforcement generally as the bill moves forward to conference.

In addition, I am concerned that the Justice Department rescissions included in this bill may turn out to be based on unrealistic assumptions. The balances available could likely fall far short of the rescinded amounts, and I hope to continue to work with the chairman to avoid any harmful cuts.

In the area of science, this bill also funds important initiatives in science and competitiveness. The capacity to innovate is the primary engine of our economy and our way of life. In order to sustain it, we must increase our investment in basic scientific research and strengthen science education.

This bill fully funds the President's competitive initiative, which includes a commitment to double the funding for basic scientific research over 10

years, and also to strengthen and encourage education and entrepreneurship.

For the National Science Foundation, the bill provides $6.5 billion, or 10 percent, above the current year for research that will set the groundwork of the development of new technologies and science education programs that will continue to ensure that we have a well-educated and skilled workforce to improve our competitiveness.

For NASA, the bill provides $17.6 billion. This level supports the President's vision for space exploration with the full request for the continuing development of the Crew Exploration Vehicle and the Crew Launch Vehicle, keeping to a minimum the gap in flight capability after the retirement of the shuttle.

The bill also includes funding for the request for aeronautics research, space science programs, and NASA education programs.

In closing, Mr. Chairman, despite concerns about the overall level of spending, this bill represents the chairman's best efforts to distribute the allocation he was given to the various competing requirements under our subcommittee's jurisdiction. I highly commend him for an outstanding job and will be urging all Members to support this bill.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he might consume to the distinguished chairman of the full Appropriations Committee, Mr. OBEY.

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

Let me simply say that I do appreciate very much the initiatives that are being taken by this subcommittee with respect to the climate change problem facing the globe. These are small initiatives; they are nonetheless important. They are not nearly sufficient to deal with the long-term problem, but we will have to mount a much greater effort on this front in the years to come.

I would like to comment on what has happened with respect to local law enforcement assistance over the past 3 years. We have had a Kabuki dance going on for years between the White House and the Congress of the United States. Each year, the President proposes very deep cuts in the law enforcement assistance grants to localities, and each year the Congress only partially restores those cuts. It then pats itself on the back, says, ''Oh, what a good boy am I. Look how much we added to law enforcement,'' when, in fact, all they did is restore a small portion of the President's reductions. As a result, these programs, which were funded at the $4.4 billion level in fiscal 2001, are now funded at about $2.8 billion, $1.6 billion below the high watermark. That is ill-advised, in my view.

I appreciate the fact that this bill provides a substantial increase in that funding for local law enforcement, $1.7 billion, or 53 percent, above the President's request. I think that is essential.

The committee also recognizes that State and local law enforcement benefits from the criminal investigation resources and capabilities of the Federal Bureau of Investigation, and so this bill provides $148 million over the President's request for that purpose. I think that money is very badly needed.

Having said that, I have to confess a significant degree of discomfort with the way the FBI has performed in recent years. As we know, investigations of the use of national security letters by the FBI have told us that the FBI issued approximately 8,500 of those in 2000. The March 2007 Senate investigation of the Justice Department's Inspector General puts that number now at over 143,000 NSLs issued between 2003 and 2005. The same investigation found serious FBI abuses of NSL regulations. And what is even more alarming is the report that the FBI's own lawyers counseled against the illegal use of emergency letters requesting telephone and Internet information, and still the practice continued for 2 years. This practice continued for 2 years, despite counsel's recommendation to cease, and Congress only found out about the situation upon public release of the IG report when the FBI's general counsel had been briefing special agents in charge on reversing the practice for 2 months prior to that.

I am disconcerted by that fact, and I have talked to the director of the FBI about this on two occasions. I was pleased when he got the job in the first place, but I am not pleased with the way this has worked out. I would certainly hope that the agency would shape up so that it does not continue to be an embarrassment in terms of its declining to adhere to rule of law.

With that said, I also am pleased that the Legal Service Corporation is funded at a level $66 million higher than the President's request. All I can say about that is that it is about time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Florida (Mr. WELDON), an outstanding member of the committee.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I want to commend him and Chairman MOLLOHAN for fully funding the exploration initiative. These are the funds that will allow us to continue to operate the shuttle and as well to continue to develop a replacement for the shuttle. And, importantly, that replacement, the Orion capsule, will be a safer and less expensive space vehicle, and so it is very important that we keep funding on track.

I want to commend Chairman MOLLOHAN for bringing up the important issue of the gap in human space flight. I would simply point out that when the President originally put forward this proposal, I shared Chairman MOLLOHAN's criticism that this gap in human space flight is not good for America, and I am certainly anxious to work with the administration and with the committee to see if it will be possible for us in the years ahead to reduce that time where Americans will be relying on the Russians, essentially, to put our astronauts into space.

While I certainly share the concerns raised by Ranking Member FRELINGHUYSEN about the veto threat against this bill because of the excessive spending, I just want to go on record regarding the spending increase concerns raised by the administration in the aeronautics account.

I am very concerned about our air traffic control system and its ability to handle the ever-increasing volume of commercial air traffic, and that we are falling behind on this critical investment of modernizing our air traffic control system.

Additionally, I want to comment on the accounting changes in the NASA account that Chairman MOLLOHAN has championed. While I agree that they represent perhaps a more elegant way for us to keep track of NASA funding, the 90-day time window he has provided NASA to implement this new initiative may not be physically feasible for the agency, and I am certainly hoping that he is willing to work with NASA officials in the years ahead.

And then, finally, I just want to comment on two other important issues. One, I am very pleased that both the chairman and the ranking member are seeking to protect the census account. This is a very important account. It is probably one of the few constitutionally mandated responsibilities in this bill. I know that the census account is frequently used as a piggy bank by Members seeking to increase various sections of the bill, and I am pleased and I would want to continue to encourage both the chairman and the ranking member to protect the census account.

Then finally, I want to comment on two amendments that I am offering in the bill. I have two amendments that deal with the issue of cities and municipalities that create sanctuaries for illegal aliens who basically say that we are not going to enforce Federal laws in our jurisdiction, and then they turn around and apply for grants in this bill to help them with the responsibility of dealing with criminal illegal aliens. In my opinion, that is inappropriate, and if they want to have access to the money, they shouldn't be creating sanctuaries.

I thank the gentleman for yielding.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to a distinguished member of the subcommittee. We have a great subcommittee on both sides, Democrats and Republicans, who work extremely well, and every one of them brings a lot to the bill as we marked up, and Mr. HONDA is certainly no exception.

Mr. HONDA. Mr. Chairman, I rise in support of H.R. 3093.

Mr. Chairman, this is my first year as a member of the CJS Subcommittee. It has been a great experience working under the leadership of Mr. MOLLOHAN and Mr. FRELINGHUYSEN, and I just want to indicate that it has been a good experience because it has been very bipartisan.

I wanted to make a couple of comments about law enforcement. Between 2001 and 2006, the funding for State and local law enforcement grants was cut 43 percent during the time when State and local law enforcement agencies have been expected to take on increased homeland security responsibilities. As a result, last year the FBI reported that violent crime has had its biggest increase in over a decade. This bill reverses that trend, making its biggest investment in restoring the State and local grants and funding for the FBI.

The bill includes funding to restart the COPS hiring program to put more than 2,800 police officers on the streets to fight crime, and in my district it is critical to be able to address the gang activities out there.

□ 1345

I represent Silicon Valley, Mr. Chairman, and it's the home of technological innovation in America, so I'm keenly aware of how innovation is the driving force behind our Nation's economy, and that to keep our economic preeminence in the world, we need to stay on the cutting edge of science and technology.

It's been mentioned before, our support for NSF and for NASA, and I support that, and I think that it's a good step in the right direction. And realigning how we budget NASA has made a critical difference, being that it's going from FTEs to mission-oriented budgeting. That's going to make a great big change.

In the Department of Commerce, the National Institute of Standards and Technology, we see a funding increase that restores program cuts that would have been eliminated by the President that included ATP and the Manufacturing Extension Program. These are critical programs to continue to fund if we're going to maintain our edge.

NOAA has been funded just over $4 billion, and since climate change is such a big issue, NOAA has a big role in that, and we need to continue to support that group.

I'd like to thank, again, the leadership and this opportunity to be part of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to another distinguished member of the subcommittee, Mr. RUPPERSBERGER.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of this very responsible funding bill. I commend the Chair and the ranking member for working together in a bipartisan way to come up with an outstanding bill.

Mr. Chairman, you are a true leader, and I respect the way you've handled yourself throughout the process.

In my former position as a Baltimore County Executive I was required to submit a $2 million operating budget each year, and I did so without raising taxes and without cutting vital public safety or economic development programs.

I call this bill today our Law Enforcement and Investment Budget for America. This is where we fulfill our obligation to protect our citizens from crime. It is where we invest in our economy, our sciences and new technologies. This is where we keep America competitive in a global economy.

I learned in my former position as county executive that if you neglect public safety, and you neglect public investment, the taxpayers end up paying a higher price down the road and get less for their money. They pay in more crime, a lagging economy and a higher price tag on new infrastructure.

Some of my friends on the other side are proposing across-the-board cuts. Congress should never impose such cuts for two reasons. First, you cut the meat with the fat, the good programs with the bad. Second, as a leader, you fail in your duty to make tough choices and to provide vision and direction for our country.

A proposed 1 percent cut would mean we can fund about 7,000 fewer bulletproof vests for cops in your police and sheriff departments.

A proposed 6 percent cut means $12 million less for STOP grants to fight violence against women.

For many years Congress has neglected the law enforcement budget in the CJS appropriations bill. We have underfunded law enforcement.

As a former prosecutor, I was shocked this year when the administration proposed a hiring freeze for the DEA at a time when drugs are the scourge of so many of our communities. This bill corrects that.

These are tough fiscal times, yet this is the first time in the history of our country that we have cut taxes while we are at war. We borrow from our children and countries like China, and then continue to spend and spend in Iraq. What kind of fiscal management is this? It leads to huge deficits, and it is fiscally irresponsible.

This CJS bill reflects new priorities and new direction. Congress would never propose a 1 percent cut in the funding of our troops in Iraq. Congress should never have a 1 percent cut in funding for cops on the beat in our communities. It is time we stand up for our cops and first responders, just like we stand up for or troops.

It is bad fiscal policy to have across-the-board cuts in the vital economic development programs of Commerce, Department and Census Bureau. Cuts in the census harm our local communities and leave us behind in the information economy.

Mr. Chair, if we did not have this deficit we confront today, I would support even more funding for law enforcement.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to another distinguished member of the subcommittee, Ms. DELAURO.

Ms. DELAURO. Mr. Chairman, I rise today in support of this bill and want to commend the chairman and the staff for an excellent bill which signals a new direction and reflects our priorities as a Nation. The goal of this bill has always been to make a strong investment in our future, to take seriously our responsibility to the American public.

I'm proud to see that this bill will provide $10 million to the Sexual Assault Service Program directly for rape crisis centers, State and territorial sexual assault coalitions and culturally specific programs and tribes.

This is the only Federal funding stream dedicated entirely to providing direct services for victims of sexual violence. That is vital because, without a consistent and a specialized funding stream for direct services, rape crisis centers are stretched to the limit trying to meet increased demand for services with reduced government funding.

We are finding other ways as well to strengthen services to victims of all domestic violence, dating violence, sexual assault and stalking, by significantly boosting funds for the Office of Violence Against Women, $430 million, or $60 million above the President's request.

We know these programs are both necessary and effective. Since the Violence Against Women Act was first passed in 1994, reports of domestic violence have decreased by half. But as long as domestic violence continues, we must continue fighting to ensure women have the tools to fight back.

The bill also works to strengthen local law enforcement $3.2 billion to protect our communities and our quality of life, including COPS grants to put 2,800 new police officers on the streets, drug courts, Byrne grants for local crime prevention programs, and a competitive youth mentoring grants program to prevent juvenile delinquency.

Mr. Chairman, this bill reflects a commitment to our longstanding responsibilities and true fiscal responsibility. Together we can meet our obligations as a Congress and a Nation to the American people.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I yield the remaining time to another distinguished member of the subcommittee, Mr. KENNEDY.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 2 minutes.

Mr. KENNEDY. Mr. Chairman, let me just commend both the chairman and the ranking member for producing a bill which certainly goes a long ways to meeting the needs of our country in a number of areas.

But let me particularly point out an area that concerns me a great deal, and that's the area where I think there's a large indictment on our country; that's the area of the fact that this country has more people incarcerated in its jail system per capita than any other industrialized Nation on the Earth. More people in jail in our country than any other free Nation on the Earth.

My friends, that is an indictment on us as a Nation, that we can't do better. This bill invests more in preventing people getting in jail.

We add over $80 million to the Juvenile Justice Delinquency Act, section 5, title 5, which is prevention dollars. We have decreased that money over $280 million over the last 5 years, under the previous Congress. This year, under this bill, we increase it by $50 million, add another $30 million to the JBAG program, which is the gang prevention section of the Juvenile Justice act. We add $10 million to the Mentally Ill Offender Program, which helps us to put more money into identifying mentally ill offenders at the time of their offense, helping them to divert them from having to go into jail, and properly treating them, rather than accepting them into prison. And we quadruple the amount of dollars that are going into drug courts, the best-known source of reducing recidivism that we have in this country.

If you want to have a war on drugs, the best war on drugs is to treat people for their addictions rather than to put them in jail, and this bill goes a long ways in doing just that.

I want to commend the chairman for his work on this matter.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to Mr. GILCHREST from Maryland, a strong voice for the Chesapeake.

Mr. GILCHREST. Mr. Chairman, I want to stand and thank Mr. MOLLOHAN and Mr. FRELINGHUYSEN for bringing forward this comprehensive piece of legislation. And in particular, I want to thank both of these men for recognizing the work of the Ocean Commission and the Pew Oceans Commission in understanding the world's oceans.

There's $4 billion to NOAA in this legislation, $4 billion. To some folks it might sound like a lot of money, but that is actually a very small sum. We appreciate that sum, but it's a small sum considering what's at stake.

Three-fourths of the world's surface is covered by oceans. It governs our everyday weather. It governs the climate. It is the source of air we breathe. It is the source of food for much of the world's population. Coastal communities, the economy, literally of all our coastal communities are dependent upon the health of the oceans. Our national security is dependent on understanding the nature and changes of our world's oceans. Literally, life on this planet is dependent upon our knowledge of the world's oceans. And this $4 billion given to NOAA will be to do more research to understand more effects and to implement better policies dealing with the pervasive dead zones; red tides; coral reefs, which is a predominant area where fish spawn; fish habitats; the acidification of the world's oceans as a result of CO_2.

Now, the acidification of the world's oceans, that's what happened to the northeastern forest as a result of acid rain from sulfur dioxide from power plants. The same thing as a result of global warming is having an effect to the world's oceans. Because of human activities and its degrading effect, now with climate change, NOAA needs the dollars and the tools to make the oceans resilient.

I urge an ''aye'' vote on the legislation.

Mr. CONYERS. Mr. Chairman, the problem of animal fighting has been in the news a lot lately, with the recent indictment of quarterback Michael Vick, who is alleged to have been involved in a major dogfighting ring. As we are debating the bill that provides funding for the Department of Justice, I wanted to express my hope that the Department will devote the needed resources to bring an end to this vicious so-called "sport." It's cruel and barbaric, and often associated with other crimes. I commend the Department for its ongoing work to determine the truth of the allegations in the Vick case, and urge that it continues to expand its efforts to crack down on animal fighting across the country. I also wanted to note that the DOJ's Safe Streets Task Force could play a key role in increasing law enforcement action against dogfighting.

Sadly, animal fighting occurs in all corners of our country, impacting hundreds of thousands of animals every year, and also our communities. Indeed, it is estimated that there are more than 40,000 professional dogfighters nationwide and 10 underground dogfighting magazines. Cockfighting is also a multi-million dollar nationwide industry.

I'm pleased that this Congress took action against animal fighting earlier this year when we passed the Federal Animal Fighting Prohibition Enforcement Act and established felony penalties for these crimes. That measure will provide an important additional tool for law enforcement to combat dogfighting and cockfighting enterprises.

To make this new law truly effective, though, we need to encourage the active and ongoing participation of Federal law enforcement. Such participation would bolster protection for our neighborhoods in addition to assuring the welfare of animals. Animal fighting is often associated with illegal gambling and acts of human violence. The Chicago Police Department recently revealed that over a 3 year time period, two-thirds of 332 people arrested for animal abuse crimes in the city were also involved in drug crimes, according to the Humane Society of the United States.

To combat dogfighting and associated crimes, I recommend that the Safe Streets Task Force devote a considerable amount of its attention and funding to the issue of dogfighting.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally directed projects in my home State of Idaho that are contained in the report of the FY08 Commerce, Justice, Science, and Related Agencies Appropriations Bill.

I would like to take just a few minutes to describe why I supported these projects and why they are valuable to the Nation and its taxpayers.

The report contains $1,200,000 for the Idaho State Police to participate in the Criminal Information Sharing Alliance Network, CISAnet. CISAnet is a fully functional information-sharing network comprised of law enforcement agencies from 10 States, including Idaho. The program focuses on drug trafficking and border security issues. Sharing of criminal law enforcement information by and between these 10 States is vital to securing an area regarded as one of the most vulnerable to our Nation's security. These funds would enable Idaho to continue participating in CISAnet. This program has received Federal funding in previous fiscal years.

This project was requested by the Idaho State Police.

The report contains $800,000 for the Idaho Department of Corrections to participate in the National Consortium of Offender Management Systems, NCOMS, Sharing Software Development Project. NCOMS is a web-based system allowing States and governmental agencies to share offender information. NCOMS and the CIS system make it a reality to track offenders across State lines and beyond with the use of Extensible Markup Language, XML, global standards and partnerships across the law enforcement and corrections communities. Funding would be used to allow more government agencies and entities to effectively use the system and to modify the ''coding'' of the application to make it more modular, allowing organizations to implement pieces of the application as needed. This program has received Federal funding in previous fiscal years.

This project was requested by the Idaho Department of Corrections.

I appreciate the opportunity to provide a list of Congressionally directed projects in my district and an explanation of my support for them.

1. $1,200,000 for Criminal Information Sharing Alliance Network, CISAnet; Idaho State Police

2. $800,000 for National Consortium of Offender Management Systems, NCOMS, Sharing Software Development Project; Idaho Department of Corrections

Mr. KUCINICH. Mr. Chairman, I rise in support of this bill, in large part because of its support for NASA. The Committee did an admirable job of finding money to keep NASA healthy and balanced in the face of a destructive budget request from the Administration.

Ultimately, inadequate funding puts at risk NASA's most valuable asset, its workers. It is the workers who have won the awards and have driven the incredible accomplishments the agency has amassed. When its world class work force gets a message from Congress or from the Administration that funding is not reliable, the workers often feel the need to leave the agency. When given the choice, no worker wants to worry about whether their job will be there next year. When employees leave, they not only take their award winning talent and intelligence, but their deep institutional knowledge. These losses are dents in NASA's armor that take years, if not decades, to repair.

That is why I am so glad to know that the committee has acted to protect NASA. This bill

prevents unnecessary layoffs, it funds Aeronautics and Exploration in order to fulfill the agency's mission, and it prevents the administration from moving large chunks of money around the agency against the will of Congress.

I am proud to represent the NASA Glenn Research Center in Brook Park, Ohio. Its economic impact is felt throughout the entire state. In FY04, the year for which we have the most recent data, the economic output of NASA Glenn alone was $1.2 billion per year. It was responsible for over 10,000 jobs and household earnings amounted to $568 million.

I urge my colleagues to support this bill and to protect NASA.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I rise in support of the 2008 Departments of Commerce, Justice, Science and Related Agencies Appropriations Bill. This bill funds domestic priorities that are important to all Americans and invests in our Nation's future.

To help keep our families and neighborhoods safe, it provides a much-needed increase to the COPS program. To support American competitiveness and improve science and technology education, this bill increases funding for the National Science Foundation.

In a global economy, investment in American innovation and regional development must be a priority. Madam Speaker, I am pleased that this appropriations bill provides over $300 million for the Economic Development Administration and encourages new investment in green technologies to reduce energy use.

Over the past 50 years, my district in Bucks County, Pennsylvania has lost most of its manufacturing jobs. While towns in my district still struggle with these dramatic economic changes, I am encouraged by forward thinking plans that have brought high-tech and green energy companies to my district.

Fairless Hills, Bucks County, once home to heavy steel manufacturing, now boasts one of Pennsylvania's premier examples of industrial revitalization. Twenty-four hundred acres in Fairless Hills, known as the Keystone Industrial Port Complex (KIPC), are designated a Keystone Opportunity Improvement Zone by the State of Pennsylvania. The important economic incentives available at KIPC, coupled with its strategic location on the Delaware River, make the site attractive to new companies. Two renewable energy companies have already located there.

Public and private economic development professionals continue to work hard at every level to attract new investment, support workforce development and improve regional infrastructure. I am a proud partner in these endeavors because I know the enormous potential of this project to revitalize the region.

The United States must look to the future and support proactive regional initiatives that not only create jobs, but advance our Nation's commitment to energy independence. New investments for the Economic Development Administration will go a long way toward achieving these goals.

Mr. Chairman, by passing this bill, we provide our communities with the resources necessary for successful development and we invest in America's future.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3093

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 COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $430,431,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided,* That $49,564,000 shall be for Manufacturing and Services; $42,960,000 shall be for Market Access and Compliance; $65,601,000 shall be for the Import Administration of which $5,900,000 shall be for the Office of China Compliance; $245,702,000 shall be for the United States and Foreign Commercial Service; and $26,604,000 shall be for Executive Direction and Administration: *Provided further,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

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

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

Mr. CLAY. Mr. Chairman, today I rise in support of H.R. 3093 as reported by the Appropriations Committee with the understanding that Chairman OBEY, Chairman MOLLOHAN and the other House conferees will make every effort to restore $30 million in funding for the Census Bureau that was removed during the committee's markup of this important funding bill.

As reported by the Commerce, Justice, Science Subcommittee, the bill included $13 million above the President's request to fund the partnership program which is so critical to our efforts to count traditionally undercounted populations.

The bill also included $35 million above the President's request for the SIPP program, which was slated for elimination until the Census Bureau and the Department of Commerce, to their credit, reevaluated and reversed that misguided policy decision.

I applaud Chairman MOLLOHAN, Mr. RUPPERSBERGER and others for their leadership in working to include funding for this vital program in the original bill, in spite of the administration's decision not to fund them in fiscal year 2008.

Unfortunately, both of these advances would be jeopardized if the $30 million removed in full committee is not restored. This would undermine our efforts to achieve a thorough and accurate enumeration of the U.S. population in 2010. It would also hamper our ability to gather critical data about poverty, program participation and performance in the future. The data collected during the decennial census and annually by the SIPP impact the way billions of dollars are allocated and the way the programs throughout our government are run.

□ 1400

Indeed, cutting the money from the Census would undermine the very program our colleagues are trying to fund at the expense of the Census Bureau.

And now, Mr. Chairman, I would like to engage the gentleman from West Virginia in a colloquy.

Let me begin by congratulating the chairman for his leadership in working to provide and protect funding for the Census Bureau. As we continue the fight to protect the Bureau's funding from being raided to support other programs, I would like to ask the gentleman about his commitment to ensuring that the Bureau is inclusive in its contracting activity, particularly with regard to the 2010 census. And as the gentleman knows, the Census Bureau, according to GAO, will ''make the most extensive use of contractors in history,'' which includes information technology systems, advertising, and the leasing of local census officers.

I believe the gentleman shares my view that in order to carry out its mission effectively, the Bureau must have

a workforce that reflects the diversity of this Nation and that that idea extends to the private entities with which the Bureau contracts to perform mission critical activities.

I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I commend the gentleman for raising this issue. I assure him that I share his concern. I think most members of our subcommittee share his concern with any unwise cuts to Census. That happened in full committee. There was an amendment which used Census as an offset; $25 million came from the periodic census, $5 million came from salaries and expenses. Both of them were very regrettable offsets. We are going to work to restore those offsets as we move forward into conference, and I have a considerable amount of confidence that we will be able to achieve that.

Again, I commend the gentleman for bringing this up and giving us an opportunity to express and share our concerns with him and also to make that commitment that we are going to work as hard as we can as we move forward to restore this funding to Census. It is usually important to the Nation that the decennial census move according to a regular process which requires a lot of preparation in the early years. And the gentleman's foresight in seeing that and his insistence on our proceeding accordingly is really appreciated because we want that pressure from the body to make sure that we adequately fund Census.

Mr. CLAY. Mr. Chairman, reclaiming my time, I am certainly aware and the gentleman is aware also that it is so important that the Census be diverse and that they practice it in their contracting opportunities as well as within the makeup of the Bureau itself, because I think that the Bureau should reflect this country and its diversity.

Mr. MOLLOHAN. Absolutely. And we will take the gentleman's concerns about that to heart as well.

We appreciate the gentleman's hard work on this and appreciate the excellent staff work that he has had in bringing this to the floor.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Page 3, line 4, after the dollar amount, insert ''(increased by $6,000,000)''.

Page 3, line 11, after the dollar amount, insert ''(increased by $6,000,000)''.

Page 6, line 19, after the dollar amount, insert ''(reduced by $6,000,000)''.

Mr. ROGERS of Michigan. Mr. Chairman, to my distinguished colleagues, I certainly understand the efforts to fence off issues when it comes to the census, and I think there are some issues of which we can find a level of importance to take a very small amount of money, make that census more efficient, and do some great good for the United States of America.

Think about some of the goods that we have had coming to the United States of America from China that have been counterfeited, adulterated, contaminated just recently: pet food, toothpaste, bottled water, auto parts. There is an assessment that just counterfeit auto parts coming out of China alone cost American jobs to the tune of $750,000.

A couple of years ago, in 2004, the Department of Commerce's Trade Agreement Compliance Center was created, and it was designed to specifically and solely go after Chinese unfair trading practices. And if we are going to have free trade, it must be fair trade. The deficit with China in 2006 was $230 billion, and it is getting bigger. But think of the products that they are selling. Think of the products that they are working into the system. Think of the unfairness to American workers who are playing by the rules, producing products that are safe and legal and in compliance with intellectual property.

So you think about what they are doing: currency manipulation to unjustly compete against American jobs that robs us of jobs unfairly in the trade world, certainly not appropriate. Counterfeiting not only of auto parts that we have just seen, but the things they have done with pet food and toothpaste and bottled water. The chemicals used on some food products that they brought in a few years ago. Michigan apples is an example where they used a pesticide that we don't allow in the United States because it is dangerous to public health. All of those things have happened and will continue to happen if we don't step up and make a serious statement about our commitment to stop unfair trade practices by China and stop counterfeit parts that are robbing jobs and products that may, in fact, take the lives of Americans. This is serious business.

We ask for just $6 million. It will double the Office of Compliance where these trade cops will look specifically at Chinese trade violations. I can't think of anything more important for us to do given the recent cases that are coming out of China. And only with vigorous and well-funded trade monitoring and enforcement can we provide a level playing field and allow U.S. manufacturers to compete around the world.

In order to deliver the promises of free trade, we need to guarantee fair trade. I urge my colleagues to support this important amendment.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment and, at the same time, I share concern with the gentleman for our ability to monitor, carefully and comprehensively, compliance regarding our trade with China.

We have an Office of China Compliance, which the gentleman wants to increase by $6 million, which about doubles the funding. There is a group in the Congress, and I am certainly one of them, who are extremely concerned about foreign competition. I am very concerned about how, as this world increasingly is becoming a smaller economic community, how we compete successfully, particularly as competition relates to the impact on traditional industries in this country and making sure that a fair and level playing field exists. That is why we have the Office of China Compliance. That is why we have funded it in this bill.

The gentleman suggests that the funding level is inadequate, and we have very consciously funded it at the President's request. A $6 million increase doubles the Office of China Compliance, and given the balances that are necessary in this bill and the funding demands that exist, we feel that the level that we funded it at is adequate.

Let me also comment about the gentleman's offset. He offsets the Census Bureau, the salaries and expenses account, I believe. That is unacceptable.

Does the gentleman offset the salaries and expenses or the decennial census account? The decennial census account. That is a terrible offset, respectfully, because we have to prepare for the decennial census, and we have to prepare for it carefully and adequately.

First of all, I think the account is funded adequately at the President's request in last year's funding. Secondly, the offset is just terrible.

I would invite the gentleman to work with us as we move forward to conference and look carefully at the account and make more careful judgments about the adequacy of the funding, if he would like to do that.

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

Mr. MOLLOHAN. I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, quite reluctantly, I oppose the gentleman's amendment, but certainly your views are held by quite a lot of people. I think it would be a mistake to cut the census, which is obviously a constitutional obligation. As I remember looking at that account, the Member's suggesting that we double the account, actually I think ITA got $10 million more than the President requested. So they actually have more money to deal with, maybe not the specific Office of China Compliance, but I think it would be a mistake to cut the Census, which is a pretty important thing we are trying to ramp up.

Mr. ROGERS of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I am pleased to yield to the gentleman from Michigan.

And I see I was wrong about your offset. But the point applies to your offset.

Mr. ROGERS of Michigan. So it is not nearly as terrible.

Mr. MOLLOHAN. No. It's terminal. It's a bad offset. It degrades the Census Bureau's ability to collect economic statistics, which is terrible. But please.

Mr. ROGERS of Michigan. I understand. I think a little under a 3 percent cut for counting versus our ability to go after what we know we have found. Contaminated pet food; contaminated toothpaste, which people consume, which is certainly a public health hazard; and auto parts that rob our manufacturers of important jobs must take priority. It obviously hasn't worked the way we want it. We should step up in a big way. A $230 billion trade deficit. This is the right investment.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I just will stipulate to our concerns about trade with China and the necessity to review it. That is why we have this office. You are suggesting that we need additional funding. You are suggesting doubling the funding, which impacts Census in its ability to collect economic statistics, which is also extremely important to the economic viability of the country.

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

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

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I would suggest that if we are serious about looking at this issue of compliance, $6 million, frankly, for a country as big as China that is exporting to Wal-Mart toothpaste, pet food, auto parts and the like, $6 million ain't going to cut it; $6 million out of a budget that we are looking at here is really infinitesimal to think about in terms of really being serious about inspection.

If we are serious about looking at protecting consumer product safety, we ought to look at making sure that industry themselves are employing the proper safeguards in their own inspection safety, that they are obviously having to comply with our own U.S. inspection codes if they are selling within our own market. They are not having to comply with China's inspection. They have to comply with ours if they are selling in our marketplace.

So this is a broader issue in addition to just trade, and I think there are a lot of other significant aspects to this issue that we need to consider. I think we need to bring the trade groups that are involved with these issues to the table, and I would suggest that maybe the chairman and others maybe down the road we can begin to convene some of these trade groups.

I know from my State some of these interested groups are already working within their industries to deal with this because they know they have great liability. If they import products that they have manufactured in China here to this country that are faulty, they are on the hook and they are liable if those products are faulty, as they should be liable; that is, provided that they are not indemnified by the other side through product liability indemnification.

□ 1415

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

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

Mr. ROGERS of Michigan. 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 Michigan will be postponed.

The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1 of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $78,776,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $270,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SESSIONS

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

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

Page 5, line 15, insert ''(reduced by $100,000,000)'' after the dollar amount.

Page 29, line 19, insert ''(increased by $6,000,000)'' after the dollar amount.

Mr. SESSIONS. Mr. Chairman, my amendment is very simple. It would provide an additional $6 million to the FBI, and to reduce the Economic Development Administration account to offset this cost.

I think that Congress must do all that we can do to provide appropriate resources to the hardworking men and women serving at the Federal Bureau of Investigation. Every day these brave public servants stand on the front lines of our Federal law enforcement efforts and on the domestic front on the war on terror, and they need and they deserve all the support that Congress can give.

Many of my colleagues know that I have a real and very personal appreciation of the organization of which my father served as Director of the FBI between 1987 and 1993. I have nothing but the greatest respect for all the sacrifices that these agents make on behalf of our country, and I am happy to be able to come to the floor today with this amendment to support that great work.

As the report to the bill notes, since September 11, 2001, the FBI has undergone a significant transformation. They are being asked to make hard choices about resource allocation as they track domestic terrorist threats, arrest suspected drug kingpins, and ensure that criminals, from bank robbers to corrupt businessmen to tax cheats, are brought to justice.

Even with an increase of around $500 million in this bill, the FBI's salary request still faces a deficit. While I wish this amendment could go further, I understand the constraints of the budget authority and the outlay rules that Congress must follow.

Regardless, I believe that this is an amendment that will send a clear and unmistakable signal to the men and women of the FBI that we support them, that we support their hard work, and that we support all that they are doing to keep us safe.

I urge my colleagues to support this amendment and to show your support for these brave men and women.

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

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

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

Mr. OBEY. Mr. Chairman, let me summarize the basic facts. The Economic Development Administration budget last year was $250 million. The President's request for this year was $170 million. The committee added $100 million to the President's request to take it to $270 million, and the gentleman's amendment would take it back down to $170 million, which is a 32 percent reduction below the amount provided last year.

With respect to the FBI, the committee has already added $148 million to the amount that the President requested. We are substantially above last year's budget. The FBI has been treated very, very well.

I find no reasonable justification for saying that we ought to provide the $6 million increase for the FBI when it's already received an increase of $148 million. And I certainly don't find any reason to say that we ought to reduce our efforts to support economic development around the country.

Economic development funds are used, among other things, to help localities establish industrial parks. I have to tell you there are literally thousands of jobs that have been added in my own district by corporations who were able to move into these industrial parks to get their services and grow. We have developed a very strong electronics industry in my district through the use of funds through EDA.

I think the key to this bill is balance. We have provided a significant increase for the FBI. We've provided a modest increase for EDA. And I think that the country is better off if we stick with the committee recommendations.

I would urge a ''no'' vote.

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

The CHAIRMAN. The question is on the amendment by the gentleman from Texas (Mr. SESSIONS).

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

Mr. SESSIONS. 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 Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $31,225,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $86,500,000, to remain available until September 30, 2009.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $196,838,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,035,406,000, to remain available until September 30, 2009: *Provided,* That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 6, line 23, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 42, line 8, after the dollar amount insert ''(increased by $10,000,000)''.

Page 43, line 8, after the dollar amount insert ''(increased by $10,000,000)''.

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to enhance America's ability to prosecute and detain illegal aliens around our southwest border.

State and local law enforcement agencies along America's southwest border grapple with the serious consequences of our porous border every day. Prosecutors, probation officers, courts and detention facilities are all vital. They process drug and illegal alien cases referred from Federal arrests.

Currently, if the Federal Government decides to no longer pursue Federal criminal charges against the defendant, they often turn over the case to local law enforcement agencies. State and local agencies often need to be reimbursed for the costs of prosecution and court costs, as well as pre- and post-trial detention.

The Southwest Border Prosecutor Initiative helps relieve border communities of the steep costs of Federal drug prosecutions. Cases involving illegal aliens and drug traffickers are complex and urgent. That's why the Southwest Border Prosecutor Initiative needs and deserves vigorous Federal support.

Last year Congress funded this program with $29,617,000. The committee's recommended funding level for this year, 2008, amounts to only a 1 percent increase over last year's appropriation for the Southwest Border Prosecutor Initiative. Meanwhile, the Census Bureau stands to receive over $369 million more than last year. That amounts to an increase of 40 percent for the census.

Right now, I, along with the constituents I represent, believe the higher priority for our country must be to get a handle on our borders. Some aliens who illegally enter America only seek jobs, but then there are others who are very, very dangerous. These aliens, especially the drug traffickers, call for extra attention. My amendment would boost funding to the Southwest Border Prosecutor Initiative by $10 million, without costing the taxpayers any more money.

I ask my colleagues to join me in support of this important amendment.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment which, again, shows there is a run on the Census Bureau; it's as though the Census Bureau wasn't important, and it's crucially important.

We have funded the southwest border prosecutors program at $30 million in this bill, and the President requested zero for it in this bill. So I think we're keeping faith with the southwest border prosecutors. And we have kept faith and funded in this bill tremendous amounts of money for State and local law enforcement above the President's request, $1.7 billion above the President's request. So we really are addressing these concerns.

We can go anywhere in the bill for any worthy cause, especially all of the law enforcement accounts, they're all worthy causes, and say, oh, let's increase the funding for that. It makes it sound like we are newly addressing an issue where it has been substantively addressed previously in this bill.

Now, let's look at the offset. And again, we're looking at Census like it's not important, and it's crucially important. Specifically these cuts that were represented by the offsets to this increase would eliminate the current Industrial Reports Program used by the Federal Reserve Board for the index of industrial production and also used in trade negotiations by our U.S. Trade Representative, the International Trade Commission and the Department of Commerce's Office of Textiles and Apparel. This amendment will also make it impossible to assess the impact of increased imports on domestic industries.

Secondly, this offset would eliminate the quarterly financial reports which are the government's most current and comprehensive reports on corporate financial activity. This break in this valuable time series program, which goes back 60 years, there is a continuity to this program, would erode the quality of our statistical measurements, hinder public and private decisionmakers and eliminate a critical source of information on corporate profits.

Next, Mr. Chairman, it would eliminate the Survey of Business Owners and Self-Employed Persons, which is the only comprehensive source of information on selected economic and demographic characteristics for businesses and business owners. The survey data is absolutely critical to the missions of the Minority Business Development Agency, the Small Business Administration, and other Federal, State and local agencies to assess changes in women and minority-owned business, and to analyze the effectiveness of these programs. And the amendment it would eliminate funding to the Foreign Research and Analysis Program, which generates economic, social and demographic information.

Do we see the harm that this amendment and this offset would do to the Census Bureau, to the statistics we gather that are absolutely crucial to business, in addition to the overall attitude about an almost frivolousness as we deal with the important business that the Census Bureau does?

Let's respect the Census Bureau. Let's respect the surveys and the reports and economic statistics which it generates, which we rely on in our daily lives for social programs, but also for the important purpose of assessing where we are and where we stand in business in an increasingly competitive world.

I oppose the gentlelady's amendment on all of those grounds, Mr. Chairman.

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

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to my good friend's amendment. The census is critically important. It's even required in our Constitution. The importance of an accurate census cannot be overstated. The Founding Fathers of our country understood it; they wrote it right into Article I, section 2 of the Constitution.

It is very, very important for the reasons that Chairman MOLLOHAN mentioned, but it's absolutely our constitutional obligation to conduct the census and to do it to the very best of our ability.

To delete very important programs that put together data on which we make decisions, policy decisions, in our country is extremely short-sighted.

I rise in strong opposition, not because I oppose the program it seeks to add funding to, but because I oppose the offset, the cut to the census. And I think that it's easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface the census does not seem to have the direct connection to public safety that some of these programs do.

□ 1430

What many people do not realize, however, is that local law enforcements rely on the Census every day and an inaccurate count could jeopardize their ability to fight crime. Our businesses rely on it. Our funding formulas are tied to it.

We are required to conduct the census every 10 years by our Constitution in order to have reapportionment. Our representation is tied to it. So when you cut the money to the Census, you are cutting representation. You are cutting accurate data so that we can make accurate decisions in this body. It is very short-sighted.

Mr. Chairman, I rise today in strong opposition to this amendment, not because I oppose the program it seeks to add funding too, but because I oppose the offset. Every year we have the same fight to maintain funding for the Census Bureau. I don't know how many times I've had to come down here to try and explain how essential it is that we not cut funds for the Census Bureau.

The Census is the largest peacetime mobilization in history. It requires recruitment and training of over 500,000 enumerators and census workers, to count more than 300 million residents at 130 million unique addresses. All of this massive preparation takes place according to a strict, decade-long schedule. The closer we get to the decennial, the more important it is to adhere to that schedule. In 2008, there are two full dress rehearsals planned, one in California, and one in North Carolina.

Former Census Bureau Director Kenneth Prewitt once said that it is difficult to do a really good census, but it is easy to do a bad one. If we cut funds to the Census Bureau, we will easily do a bad one.

CENSUS AS A GOOD TAXPAYER INVESTMENT

The Federal government depends on census data in three important ways. First, to distribute funding through eligibility criteria and allocation formulas. 69.3% of the Federal grants given out in FY2004 (the most recent year that we have this data for) were allocated based on Census Bureau data. Second, census data are used to enforce Federal civil rights and anti-discrimination laws such as the Voting Rights Act and the Fair Housing Act. Third, the Federal government uses census data to create models and estimates for various Federal programs, and to then evaluate their efficacy.

State and local governments use census data for different purposes. They allocate criminal justice resources based on crime maps and demographic profiles. They base disaster response plans on census data. They analyze their transportation systems using information from the Census Bureau. The list goes on.

Not only do governments of all levels rely on the census, but the private sector does as well. Businesses conduct market research based on census data. Hospitals identify their constituencies and how to better serve their needs based on census data. The real estate sector uses it to . . . .

One can argue, therefore, that the census is essential not only to democracy, but to the U.S. economy as well. With so many governments and businesses who rely on data, it is absolutely essential that that data be accurate.

Over ten years, the 2010 census will cost approximately $11.5 billion. That's an average of $1.2 billion per year. Divide that by the population of the U.S., and the cost is approximately $4 per person, per year. Four dollars. That's it. I don't know about you, Mr. Chairman, but I am willing to spend $4 a year to ensure that Federal, State, and local governments, businesses and non-profits, all have accurate data to conduct their business. In fact, considering the enormous benefit that the economy gains by having an accurate census, I'm willing to wager that this is one of the most cost-effective uses of taxpayer dollars. I urge my colleagues to spend your constituents' tax dollars wisely by opposing any amendments that cut funding from the census.

CONSTITUTIONAL OBLIGATION

The importance of an accurate census enumeration cannot be overstated. The founding fathers of our country understood, they wrote it right into the Constitution. In Article I, Section 2 of the Constitution, it says that congressional representation and taxes shall be based on the population. I quote directly, ''The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.'' By extension, the census affects Presidential election, as the number of electoral college votes for each State is based on the number of representatives and senators from that State. There are several instances (listed below) in recent history where very close elections and redistricting hinged directly on census data. When the founding fathers rooted our representative democracy in an accurate enumeration of the population, they placed a great burden on the census. It is our constitutional obligation to conduct this census, and to absolutely do it to the best of our ability.

After Census 2000, the state of Utah missed gaining a fourth Congressional seat and sixth electoral vote by 856 residents; the 435th seat and 538th electoral vote went to North Carolina instead. Utah's experience has been highly instructive to states with regard to the 2010 Census. Realizing that apportionment is a zero sum game, more states will be working aggressively to bring about a full count.

The result of the 2000 presidential election turned on the accuracy of the 1990 census. The election was so close that a slightly more or less accurate census could have produced another pattern of Congressional apportionment and so a different outcome.

In 2003, the Texas state legislature's redrawing of Congressional Districts produced quite a commotion, as some legislators in the minority left the state in the hopes of blocking approval of the new boundaries.

CRIME-FIGHTING

It is very easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface, the census does not seem to have the direct connection to public safety that (anti-meth program, COPS, SCAAP) does. What many people don't realize, however, is that local law enforcement officials rely on the census every day, and an inaccurate count could jeopardize their ability to fight crime. One of the most valuable tools for local law enforcement is crime mapping. This technology allows them to more effectively allocate limited resources and manpower based on crime statistics and information on neighborhood characteristics. They are better able to predict where crimes will occur based on this information, and can therefore send more police officers as a preventative measure. Crime mapping programs draw heavily from demographic and housing data from both the decennial census and the yearly American Community Survey (ACS). When a census or ACS count is less accurate due to lower funding levels, it will jeopardize our ability to effectively fight crime at the local level.

DOMESTIC VIOLENCE

Let's be clear, I am extremely supportive of funding for programs to combat domestic violence. I have devoted much of my career to making women's lives better, and have been an outspoken advocate of reducing violence against women. However, I cannot support this amendment. Taking money from the census to fund a domestic violence prevention

program is nonsensical. These programs rely on census data to recognize patterns of domestic violence, such as the link between poverty and domestic violence. Domestic violence advocates also use census data to analyze the impact of these programs. And finally, the funds that we would give to these programs will be based on funding formulas that use data from the census. If we do not have the most accurate census possible, this program, and all the other programs that receive Federal funding, will be at risk.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentlewoman will yield, we obviously respect our colleague's attempt to improve the financial situation for these border prosecutors, but the general feeling is that Census accounts are not the ones we want to use for that purpose. But we certainly respect what you would like to do to enhance their resources.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

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

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

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

The Clerk will read.

The Clerk read as follows:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

AMENDMENT OFFERED BY MR. SHIMKUS

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

The Clerk read as follows:

Amendment offered by Mr. SHIMKUS:

Page 7, line 8, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 21, line 7, after the dollar amount, insert ''(reduced by $5,000,000)''.

Mr. SHIMKUS. Mr. Chairman, I come down to offer this amendment with respect to myself and my colleague, Anna Eshoo. She is tied up in an Intel briefing, or she would be down in support of this amendment.

We both cochair the E9–1–1 Caucus in which, in 2004, we passed on this floor an authorization of $1.2 billion over 5 years to help our first line responders roll out ENHANCE 9/11 in a 50 percent grant program with our public safety officials. Under Republican control over the past 2 years, and now under a Democrat-controlled appropriation budget, we have yet to see our first dollar from the appropriation process committed to ENHANCE 9/11.

So the basic premise of this amendment is just to get started. There is $1.2 billion authorized. This is the third year with no dollars appropriated. We are asking for a shifting of funds of $5 million to make this happen. Again, this amendment is supported by the National Emergency Numbering Association, which is commonly referred to as NENA; and APCO, which is the Association of Public-Safety Communications Officials.

We all know the stories about people who expect that when they dial 9/11 on a cellular phone that not only will someone answer that, but people will know where they are. I represent rural southern Illinois, parts of 30 counties. It is one of the largest congressional districts east of the Mississippi. You can go off in some area and folks may not find you until it is too late.

So the whole emphasis behind ENHANCE 9/11 is to use technology, work with the land line companies, work with the cell companies, work with the public service answering points of PSAPs, or we call them the E9–1–1 call centers, and in so doing, make sure that we move our country forward to be able to identify folks when they call 9/11 on their cellular phone. Again, I would venture to guess that almost everyone voted for ENHANCE 9/11, cellular identification authorization amount $1.2 billion over 5 years.

So it is time, my colleagues. Congresswoman ESHOO and I just want us to start. I think the public service, the first line responders and the public safety communities really want us to at least show some good-faith effort by finally releasing some dollars. That is the intent of this amendment.

I see there is some activity on the other side. I was hoping that the chairman would pay attention, because I am going to call, obviously, for the voice vote, but because of the way that it is worded, I will not call for a recorded vote, but I would like for him to be receptive to moving this provision, especially when it is brought in a bipartisan manner with a major member of the Commerce Subcommittee and the Telecommunications Subcommittee.

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

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, this bill is currently balanced among the many competing priorities between the Subcommittee on Commerce, Justice and Science. The amendment significantly upsets that balance.

This Congress has already provided the proper funding mechanism for enhanced 9/11 grants, which is through proceeds realized through the sale of the spectrum space. I have grave concerns about a $5 million reduction to the general administration account of the Department of Justice.

The Department may have to lay off its current personnel, reduce key projects that might have to be terminated, and substantially scale back others in order to absorb a reduction in this office.

We have to be respectful in the requests and the necessity of having adequate funding and adequate personnel to run these programs, to run the Department of Justice. Let's not be cavalier in these offsets. Just because the account is called ''general'' doesn't mean that it doesn't need funding. It also doesn't mean that we haven't been careful and deliberate as we have looked at the needs and funded these accounts. These are real people we are talking about laying off. They have real jobs, and they administer real programs.

So when we offer an amendment and suggest a $5 million offset, we have to be mindful of the consequences of that. DOJ is currently challenged to fill authorized positions at all of its components. We are increasing funding at the DOJ. Partly these funding requirements are the result of chronic gaps between the funding requested and appropriated for the S&E accounts and the true cost of pay raises. Let's be respectful of other people in their jobs as we consider these offsets.

I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, like the chairman, we want to salute Representative ESHOO and Mr. SHIMKUS. This is sort of a promise that has not been delivered on, and we are mindful of it. But I would agree with the chairman, to take a whack out of the Department of Justice general administration accounts would affect people that are working there presently.

There is the expectation, which, of course, it might irritate you for me to mention this, that somewhere along the line, goodness knows when it will happen, there will be a spectrum auction. I don't know, there is $40 or $50 million. I know you are looking for $250 million. It is not exactly inexpensive. When the auction should occur, this is the type of necessary project that needs to be funded.

But I would concur with the chairman, I know you tried to choose wisely, I am not sure these are the accounts that I would recommend taking money from. So I would concur with the chairman.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I thank the distinguished ranking member for those

thoughts. If I have any time left, Mr. Chairman, I would just point out that about 90 percent of the account where the gentleman is seeking an offset, the general administrative account, goes towards operational support for the Department of Justice agencies and their missions, by maintaining and overseeing facilities, for procurement of law enforcement tools for agents and employees, and for management of financial systems.

Cutting this account could prevent implementation of a unified financial management system that would limit the fraud, waste, and abuse that everyone in this body talks about. These are not the areas in which we want to make cuts.

Ms. ESHOO. Mr. Chairman, the amendment that Mr. SHIMKUS and I are offering will provide $5 million for the National Telecommunications and Information Administration (NTIA) with the intent of allowing them to issue grants to upgrade Public Safety Answering Points (PSAPs), otherwise known as 9–1–1 call centers. Call centers across our country today need to enhance their 9–1–1 technology in order to actually locate where a mobile phone caller in crisis is.

Annually, over 200 million 9–1–1 calls are made, and increasingly those calls are made from mobile phones. According to CTIA, the wireless industry association, more than 10 percent of households now rely on wireless phones as their only telephone service. No wonder it's surprising to many Americans to learn that a 9–1–1 call center may not have enhanced technology to trace an emergency call from a mobile phone in order to dispatch help to exactly where it is needed.

Imagine calling 9–1–1 from your mobile phone at the scene of a car accident or a crime and being told the operator has no idea where you are.

Millions of Americans face this risk every day.

While coverage in many areas is improving, there are significant gaps in the public safety system, particularly in small, rural, and poor communities where federal assistance could be most meaningful.

In 26 states, more than 20 percent of counties have not deployed the latest 9–1–1 technology. In 15 states, well over half the counties haven't deployed this technology. In West Virginia (Chairman MOLLOHAN's home state), nearly one third of the population doesn't have enhanced 9–1–1 coverage. In Ohio, half the state's population lacks this coverage, and in Mississippi, two-thirds.

In 2004, Congress and the President attempted to address this problem by enacting the ENHANCE 9–1–1 Act. The law that Mr. SHIMKUS and I authored created a grant program to pay 50 percent of the cost for upgrading 9–1–1 call centers and ensure the most precise location (within 300 meters in most cases) of an emergency call from a mobile phone.

The program was authorized to provide up to $1.25 billion in grants over 5 years. Regrettably, 3 years later Congress has yet to fund the program. In fact, the NTIA and National Highway Traffic Administration (NHTSA), the agencies with responsibility for this program, haven't even established regulations for awarding grants. With only 2 years left in the authorization, it's time to get the program underway.

The modest amount of funding in our amendment will provide grants to approximately 54 smaller counties to upgrade their wireless E9–1–1 capabilities or up to 17 grants to counties with populations over 100,000. This public safety funding is offset by reducing funds from the Justice Department's General Administration.

Our Amendment has been endorsed by the Association of Public-Safety Communications Officials and the National Emergency Number Association and I urge my colleagues to join me and Representative SHIMKUS in voting for it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. 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 Illinois will be postponed.

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

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

Mr. CARDOZA. Mr. Chairman, I intended to offer an amendment with regard to sea turtles. I would like to engage in that discussion for a bit. I will not offer that amendment; I would like to discuss it with the chairman of this Appropriations Committee.

There are currently six species of sea turtles, the green, the hawksbill, the Kemp's Ridley, the leatherback, the loggerhead and the Olive Ridley sea turtle. All six are listed as threatened or endangered species under the Endangered Species Act.

Sea turtles face a range of threats from land and sea. Their nesting beaches are under constant attack from pollution, trash, debris, predators and vehicles driving on the dunes.

Once out of the nest, sea turtle hatchlings use light cues to find the sea. Artificial lighting near the beach can disorient hatchlings, leading to dehydration and death.

In the water, sea turtles face even more serious threats. Every year, thousands of sea turtles are injured or die after becoming entangled in discarded fishing gear and other marine debris, from ingesting plastic bags or oil and tar, from being crushed by dredges, and by being accidentally caught by U.S. commercial fishing operations. The latter is one of the most serious threats facing sea turtles.

Sea turtles are accidentally caught in gill nets, trawls, long-lines and dredges, subjecting them to severe injury, crushing, or drowning.

The U.S. Government authorizes commercial fisheries to kill nearly 10,000 sea turtles and harm another 334,000 each year. And that is only what is authorized, not what actually occurs.

In addition, the government does not adequately take into account that when a sea turtle is injured, its swimming, hunting, and reproductive abilities may be severely impaired, further jeopardizing the population.

Currently, approximately one in 1,000 sea turtle hatchlings survives to adulthood, one in 1,000. While they are long-lived, they also reach reproductive maturity late in life. Due to the many risks they face, however, relatively few sea turtles survive to maturity, and even fewer live to reproduce.

In order for the sea turtle population to recover, we must do a better job monitoring the population and strengthen the necessary protective enforcement measures. The Cardoza-Hastings-Castor amendment was quite simple: it provided an additional $1 million for sea turtles under the Protective Species Research and Management account for the National Marine Fisheries Service.

What I have done with the chairman is to request that the chairman work with us, and I would like to now yield to discuss with the chairman what we might do moving forward.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman will yield, first of all, I want to commend the gentleman for raising this issue. Six of the seven sea turtle species are endangered. It is a real concern. It is a real plight. We can be particularly proactive trying to address the endangered status of these turtles in our borders. It becomes far more difficult as we go out around the world.

□ 1445

It is important that we address it and we pay increasing attention to it. The gentleman requests an additional $1 million. There is a $9 million program looking at this. We intend to work with the gentleman, if he so desires, to ensure that NOAA is increasingly focusing on the problem, and we will be bringing the gentleman's concern to their attention, and letting them understand that. We will be working with the professionals at NOAA, and we want to give them all of the support that we can and let them know that this is a priority for us.

So I commend the gentleman for bringing the issue to our attention, and assure him that we look forward to working with him not only as we process this bill through to completion, but subsequent to that and throughout the year to ensure that NOAA gives it the adequate attention that this issue deserves.

Mr. CARDOZA. I thank the chairman. I look forward to working with him. That is acceptable to us. We will work together as this bill goes to conference to see how we can better deal with this issue.

My daughter Brittany is 13 years old, and my daughter Elaina is 10. They both have encouraged me to work on

this. One knows that we have to try to abide by our children because they usually have the right take on what is right in the world. I thank the chairman for allowing me to work on this issue.

Mr. MOLLOHAN. They do have the right take, and she obviously has picked a substantive issue to be concerned about and defend, and the gentleman is to be commended for picking it up and fighting for her and sea turtles.

Mr. CARDOZA. I thank the chairman.

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

The CHAIRMAN. The time of the gentleman from California has expired.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. CARDOZA. Again we have worked with the chairman. There was an amendment that I was going to offer with regard to the CASA, Court Appointed Special Advocates, program. This is an issue I am very passionate about as two of my children are adopted. They were into the foster care system and into adoptive placement because of a CASA volunteer seeing the desperate situation they were both in.

The current CASA funding only allows for 50 percent of the children who are under court supervision, under court custody to receive the assistance of a CASA volunteer. The program is underfunded.

I had originally intended to fully increase this funding so that every child could have a child advocate and a CASA. That is not authorized under the authorization, so we have withdrawn the amendment at this time, but I will work with the gentleman in the future to make sure that we do the right authorizing legislation so this appropriation can be dealt with in the appropriate way in the future.

I thank the gentleman for his advice and leadership in helping me work on this issue.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I point out that when the gentleman brought his interest in CASA to the attention of the committee, I pointed out to him that CASA is funded in our bill at the authorized limit of $12 million. We don't suggest that it does not merit and that the need isn't there for considerably additional funding. That is something that we can look at in the future, and I thank the gentleman from California for bringing this matter to the attention of the committee and to the attention of the full body.

CASA is a vital program that is important in the lives of countless children in foster care, and we will continue to work with the gentleman on his concern of ensuring that soon every child has a CASA representative.

As the gentleman represents, only 50 percent, if it is 50 percent, of those in need are served by this vital program. As my colleagues may know, 7 years ago, and as the gentleman pointed out, and we are very impressed by that fact and taken by it, adopted two foster children. There is no greater love than adopting children. We look forward to working with the gentleman as we move forward.

Mr. CARDOZA. I thank the gentleman for his extraordinary leadership and for his indulgence of his time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $21,728,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 31 of Act of July 5, 1946 (60 Stat. 437; 15 U.S.C. 1113) and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2008 for official reception and representation expenses: *Provided further*, That in fiscal year 2008 from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, of Public Law 108–447 shall remain in effect during fiscal year 2008.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology, $1,000,000, to remain available until September 30, 2009.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $500,517,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $108,757,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $93,062,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by the Act entitled "An Act to establish the National Bureau of Standards" (15 U.S.C. 278c–278e), $128,865,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,847,556,000, to remain available until September 30, 2009, except for funds provided for cooperative enforcement which shall remain available until September 30, 2010: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,938,556,000 provided for in direct obligations under this heading $2,847,556,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $11,000,000 is derived from recoveries of prior year obligations. *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. ENGLISH of Pennsylvania:

Page 11, line 19, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 68, line 16, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the amendment I am offering today would redirect a very modest amount of funds from NOAA to the United States International Trade Commission, we hope to good effect.

The ITC serves on the frontline in the trade war against unfair and illegal imports. The Commission, an independent, quasi-judicial Federal agency, is part of America's critical network of ''trade cops.''

The Commission investigates the effects of dumped and subsidized imports on domestic employers and American workers, and conducts global safeguard investigations on import surges. The Commission also adjudicates cases involving infringement by imports of intellectual property rights.

Very simply, this amendment presents a clear choice and a simple one: Jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy.

Whatever an individual Member's views on international trade, no one can disagree with the notion that the United States is becoming more and more integrated into the global marketplace. U.S. exports are increasing; and, perhaps unfortunately, so are imports.

Unfortunately, all too often countries do not fulfill their promises to stay within the rules of the global trading system. These rulebreakers do not only cheat the system at our expense, but their action has the effect of costing America jobs. It is precisely for these reasons that we have laws on the books to police our markets, to combat illegal trade practices like dumping, subsidies and intellectual property theft. These laws, however, are only as good as the enforcement mechanism that sustains them.

There are countless examples of employers in congressional districts across the country that are being adversely affected by illegal trade practices. Everything from Channellock pliers in my district, or the Club in your car, to Zippo lighters are under assault by intellectual pirates. Everything from tires to lemon juice to honey to live swine to furniture to computer chips is under assault by illegal subsidies or dumping. And everything from steel pipe, hangers and brake drums and rotors are under assault from Chinese import surges. These industries illustrate the range of American employers that turn to the Commission to hear their case when our trading partners run afoul of their obligations.

And because of the volume of cases before the Commission, which is exploding, it is incumbent upon us to provide the necessary resources to our trade cops.

Intellectual property cases before the Commission have more than tripled since fiscal year 2000. The Commission expects an increase in dumping and antisubsidy investigations for the fiscal year 2008 compared to a relative decline in 2005 and 2006.

Also, the Commission will be tasked with examining the economywide economic impact that pending FTAs will have on our country.

All of these facets of the Commission are far too important not to put the necessary resources into the Commission to allow it to complete its mission. If we are concerned about the effects that illegal and unfair trade is having on the average working American, this amendment is the very least we can do.

Again, Mr. Chairman, this amendment presents a simple choice, jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy. I choose American jobs, and I hope my colleagues join me in passing this amendment.

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

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

Mr. MOLLOHAN. I rise in opposition to the gentleman's amendment. The gentleman attempts to move $2 million out of NOAA, out of the very important programs that fund the National Weather Service—fisheries, oceans, climate—money that is used to do a lot of the research that is extremely important to all of these areas, including climate change.

We have tried to fund NOAA in a way that respects its mission this year in the House of Representatives. Typically we don't do that, and the Senate earmarks it. We have tried to go through account by account and look at the National Weather Service, look at the fisheries, look at oceans and look at climate change, and fund these programs accordingly. This money will take away from that effort.

Now, where is the money going? It is going to the ITC. During a hearing we specifically asked Chairman Pearson if he got his request, and he got the funding he requested as he requested it, if he would be happy and if he would be made whole. And his testimony specifically to us: ''If you do that, Mr. Chairman, then we are very happy.'' And that's what we did in this bill, so I really don't see the need under any circumstances for increasing the ITC at this time.

The gentleman mentioned all of the important missions of the ITC and all of the work it does. And you know what? We respect that, and we have funded it completely in this bill and been responsive to the Chairman Pearson's request. He represented to us at the hearing that if we were to do that, which we did, that he would be totally happy with this funding.

I have to say that the gentleman is laboring on behalf of an agency that is fully funded and above that has received all of the funding requested in this bill. So I oppose this amendment to take money from science programs and to take it for no compelling reason from NOAA.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

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

Mr. ENGLISH of Pennsylvania. 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 Pennsylvania will be postponed.

AMENDMENT NO. 17 OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. BORDALLO:

Page 11, line 19, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

Ms. BORDALLO. Mr. Chairman, I offer this amendment for the purpose of ensuring that not less than $500,000 is expended by NOAA in 2008 for Western Pacific Fishery Demonstration Projects.

This amendment would effectively ensure that such funding is provided for this program. The Western Pacific Fishery Demonstration Projects program was authorized by the 104th Congress through the passage of an act that reauthorized the Magnuson-Stevens Fishery Conservation and Management Act. This is a program that was funded at the level this amendment proposes each year from 1999 to 2005. However, unfortunately, this program has not been funded in the past 2 years.

Valuable and economically innovative projects have been demonstrated and explored in the past through this program. It is important to the communities represented by the Western Pacific Fishery Management Council, which includes my home district of Guam, for this program to be funded.

This is a competitive program, and project proposals are reviewed against criteria established by NOAA. The program's chief purpose is to protect and promote traditional fishing practices in the American Pacific basin.

□ 1500

Development of sustainable fisheries in the islands is important to their economic diversification, growth and preservation of traditional cultural practices.

On Guam, for example, a proposal deemed to have merit awaits funding. Our fishermen and -women need continued support to demonstrate and establish a deep-set longline fishery. Funding this program is the key to ensuring that such a meritorious project can be pursued in a Federal-local partnership.

I am grateful for the opportunity to offer this amendment, and I want to thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) and our colleague from New Jersey (Mr. FRELINGHUYSEN) at this time for their able leadership in bringing this bill to the floor, and also as Chair of the Fisheries, Wildlife and Oceans Subcommittee, I also want to acknowledge the full committee Chair, Mr. OBEY, here on the floor for his work and leadership on behalf of Members of this body, and I also would like to recognize Mr. LEWIS, the ranking member.

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

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

Mr. MOLLOHAN. Mr. Chairman, I accept the gentlelady's amendment.

The level of funding for this program needs to be increased to help foster and promote traditional indigenous fishing practices. The gentlelady has been a tireless supporter of assisting the indigenous people of Guam, Hawaiian Islands and the South Pacific.

And this funding provides funds for a competitive grant within NOAA to allow indigenous peoples of the western Pacific to explore new fishing means both which are safe and economically sustainable.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. ROGERS of Michigan:

Page 11, line 19, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

Page 29, line 19, insert after the dollar amount the following: ''(increased by $16,000,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes.

Mr. ROGERS of Michigan. Mr. Chairman, I have a series of three amendments, and what we are trying to do here today is solve a couple of very real problems for average FBI agents who, in my day, were called brick agents. These are the folks who are doing the real work, working organized crime or collecting intelligence on foreign spies or doing counterterrorism work here in the United States, trying to save and prevent any hazards from happening in our homeland, doing violent crime or chasing gangsters or involved in the public corruption that is pervasive in so many of our cities around the United States.

They're doing great work, and these are very talented people, and we don't really pay them a lot of money. We ask a lot of them. We tell them to move around a lot. We send them to very high-cost cities, New York City, and think what about we do.

We have an agent who's been in, say, 7, 8, 9, 10 years, he makes about $89,000 as a supervisor of other FBI agents, and he's in Alabama. You can do pretty well at that standard. And then we tell him or her, because his or her talents are needed in New York City, You're going to go. So you pack up your family and you show up in one of the world's most expensive cities, and for that, we give you $3,000.

So he or she goes from living pretty decently in a place like Alabama on $89,000 to a high-cost city making $92,000, and the hardship begins. It's wrong that we treat some of our frontline defenders in homeland defense in this way.

So, last summer, we sat down and tried to work with the FBI director to get a couple of things accomplished. One was a housing allowance. Other agencies in the city of New York have housing allowances for their agents and their officers who serve there because they recognize the need for, A, constant moving; and B, in high-cost areas, you need a little extra help just to get by. Some of these agents have 3-hour commutes to go into work, 3-hour commutes, work a very long day, longer than most Americans; then they have a 3-hour commute to go home. It's pretty tough on their family life. It's tough on their finances, and it's wrong that we ask these agents to suffer under that kind of financial difficulty. We should and could do better.

So, last summer, we agreed with the FBI director, of which we have public statements to the effect, that we would try a pilot housing project here in Washington, D.C., another high-cost area. It's hard to attract FBI agents to come back to Washington, D.C., because of the high cost that is uncompensated. So we agreed that we would try a pilot project here to see if we couldn't work out the kinks. Now, the FBI has agreed to this program. They said it's the right thing to do. They will try a pilot project. If it works here, we'll see where else it can go.

So we take a very small amount of money, about half of 1 percent from the $2 billion plus going to NOAA, and we say we're just going to redirect a little of this money into something that we know can make a difference for those who are defending the United States of America and doing some of the hardest work that is out there.

So, if we do this amendment, I won't have to do an amendment later on that specifically outlines how we would do a housing project for FBI agents across America. And think of those high-cost cities like Los Angeles or Miami or Chicago, New York City, places in New Jersey, Atlantic City, the cost of housing is ridiculous. And they're not well-compensated to begin with, and to ask that extra burden isn't right.

So we're going to do two things. We're going to do that. Hopefully, if we do this, I will be able to withdraw my second amendment on the FBI housing allowance. And secondly, they have something called an up-or-out policy of which, by the way, I oppose, but I worked with the director to protect the pensions of those FBI agents that have been impacted by this up-or-out policy.

And by the way, the FBI, after this agreement last summer, sent an internal communications and said basically, hey, we're going to do this for you. For those of you who are impacted, and these are supervisors who have served well for their country and their community and the Bureau who had to step down from being a supervisor because they didn't want to be forced to move to a high-cost city in Washington, D.C., to further their career. Maybe their kids were in school, maybe they had to make other considerations. So they were forced not because of their lack of good work but because they were just serving in that capacity for 5 years. And those who were close to retirement, it significantly impacted their retirement, their pensions, and it's wrong.

There's a small number of agents that we can fix with this proposal that takes care of those agents who have served us all well. While we were sleeping, they were working. While we were in the safety of our barbecues, they were in danger protecting this country.

We owe it to them to have these two fixed. It's agreed to by the FBI director. It's agreed to by the FBI. We just need to get some language in to accomplish that. I would urge support of this amendment.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the gentleman's amendment.

The amendment proposes to increase the level of outlays in the bill. I don't think that's the intention, but that's the effect.

The fact is that the outlay rate in the NOAA account is 65 percent. The outlay rate in the FBI account is 80 percent. Therefore, the amendment is not budget neutral, and I ask for a ruling from the Chair.

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

Mr. ROGERS of Michigan. Mr. Chairman, this certainly seems to me a change in policy. This is a straight transfer. Now, the other two amendments I understand we may have something to chat about, but this is a straight dollar transfer. We have reduced one account and increased another account. It is a straight transfer and should be considered made in order.

Mr. OBEY. Mr. Chairman, if I could respond, the fact is this may be a straight transfer as far as budget authority is concerned, but that is not the impact on the outlay side, and therefore, I ask for a ruling from the Chair against the amendment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule on the point of order.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Michigan proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Committee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The point of order is sustained.

AMENDMENT OFFERED BY MR. MACK

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

The Clerk read as follows:

Amendment offered by Mr. MACK:

Page 11, line 19, after the dollar amount insert ''(increased by $21,100,000)''.

Page 16, line 20, after the dollar amount insert ''(reduced by $21,100,000)''.

Mr. MACK. Mr. Chairman, I first would like to start off by saying that I'm only here this afternoon because of a concern for an algae bloom that continues to grow off my coast. It's called red tide. It causes economic damage. It causes quality of life damage. It's also harmful to the fisheries.

I also understand that the majority is not really comfortable the way we constructed this amendment. I do want to say for the record that I've had a lot of support from Kathy Castor and Vern Buchanan on working, trying to get more research dollars on red tide.

Currently, NOAA has a program, a peer-reviewed program, that moneys are appropriated to that then are used for research all around the country on red tide and harmful algae blooms. This amendment would then fully fund to $30 million a year those research projects.

I spoke earlier to the chairman of the committee, and we talked about how we can move this ball down the road, how we can move forward on trying to get those research dollars up. It has a significant impact for our communities. The chairman was kind enough to agree to speak on this and to work with me and to work with my colleagues on ensuring that we at least have the discussion about making sure the research dollars are there.

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

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

Mr. MOLLOHAN. Mr. Chairman, I'm pleased to discuss this matter with the gentleman.

This issue was brought before the committee rather late, after we had marked up. The point was made on a bipartisan basis that the authorization for this program was not adequate. We accepted the authorization change on our bill and supported an increase in the authorization, I believe to $30 million.

The bill is already marked up, and we have funded this program at $8.9 million, recognizing that, like a lot of accounts in this bill, additional resources are needed. We would be pleased to work with the gentleman as the bill moves forward to see how we can augment this funding.

That's a difficult proposition, but we do commit ourselves to looking to see how and where we might be able to find some additional resources to fund these accounts, and we look forward to working with the gentleman in that regard.

Mr. MACK. Reclaiming my time, Mr. Chairman, I thank you for your remarks, and I do apologize for the last minute on this. We've been kind of trying to look through the language and understand completely what was there and what we need to do. We're going to continue to work through the authorizing committee as well. I appreciate the chairman's support.

Mr. BUCHANAN. Mr. Chairman, I rise in strong support of the Mack-Castor-Buchanan amendment to provide critical funding for red tide research.

Red tide threatens our environment, our health and our economy. But in recent years, the harmful effects of red tide have killed sea life, driven people from our beaches to our emergency rooms, and cost the economy millions of dollars in lost revenues.

This is a problem not just in Florida but in other coastal States.

Red tide is a naturally occurring phenomenon. Scientists differ on whether it is occurring more frequently and for longer periods of time. There is also disagreement on whether we should try to kill, contain, or minimize the impact of red tide.

That's why additional research dollars are needed. And that's why I support the Mack-Castor-Buchanan amendment.

My district is home to Mote Marine Laboratory, one of the Nation's premier private marine research laboratories. Mote conducts ongoing red tide research and research related to new methods for early detection of red tide, the role of coastal pollution and studies of ways to mitigate and control blooms.

This amendment would fund additional research at places like Mote Marine to better understand the issue, and these results of these studies can be used to develop better methods to predict and detect red tide, and if a consensus can be developed, control and mitigate red tide.

I want to thank my colleagues CONNIE MACK and KATHY CASTOR for working with me on this important issue.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JINDAL

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

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 11, line 19, after the dollar amount insert ''(increased by $2,000,000)''.

Page 21, line 7, after the dollar amount insert ''(reduced by $2,000,000)''.

Mr. JINDAL. Mr. Chairman, the 2005 hurricane season featured 14 hurricanes, including Hurricane Katrina, which devastated the gulf coast and became the most costly natural disaster in U.S. history. The season's hurricanes were responsible for over $100 billion in damage and over 1,800 deaths. Both Hurricanes Katrina and Rita devastated my home State of Louisiana.

On August 23, 2005, Hurricane Katrina was nothing more than a mass of organized clouds over the Bahamas, but later that day, the storm quickly intensified and headed toward the U.S. coastline. Late on August 25, the storm made the first landfall just south of Fort Lauderdale, Florida, as a category 1 hurricane. By early in the morning of August 28, Hurricane Katrina's winds reached a remarkable 175 miles per hour, a category 5 storm. Hurricane Katrina seemingly intensified overnight from category 3 to a category 5 hurricane.

Just before Hurricane Katrina made landfall on August 29, NASA's QuikSCAT satellite mapped the storm's wind speeds. The data from the satellite helped forecasters describe Katrina's dangers in public information bulletins issued just before the storm slamming into New Orleans. Unfortunately, forecasting efforts may be crippled as data from the QuikSCAT satellite will become unavailable as the satellite's lifespan expires.

Measuring a storm's intensity and tracking its direction are critical to determining appropriate level of emergency preparedness efforts. Forecasters need alternate methods to measure intensity in order to convey potential storm damage. In addition to space-based monitoring platforms on which hurricane research and forecasting scientists rely, new research is now being conducted by NOAA that will allow forecasters to recognize rapid changes in intensity much more quickly.

□ 1515

The National Hurricane Research Initiative has been estimated to have an annual cost of as much as $300 million, but will accelerate and improve measurement of hurricane wind structure. The President's 2008 budget request calls for just $2 million in additional studies aimed at improving hurricane intensity forecasts, an area that the NOAA Administrator claims is one of the agency's key concerns.

The amendment that I offer to the appropriations bill would double the President's increase for NOAA's hurricane intensity research. The amendment adds an additional $2 million to improve NOAA's ability to forecast hurricane intensity and to provide better and more usable information for emergency managers and the public. The activities will aid NOAA's operational hurricane forecasters and improve understanding of hurricane intensity and changes in storm structure, especially on the gulf coast where residents are so sensitive about potential evacuations, it would be extremely helpful to have better and more accurate information about intensity as well as the direction of a storm.

The offset comes out of salaries and expenses in the General Administration for the Department of Justice. This account received $104.7 million, which is $6.9 million more than last year's funding levels.

My amendment will reduce errors in the 48-hour hurricane intensity forecasting. I urge my colleagues to support my amendment.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, the gentleman seeks to increase by a factor of two the hurricane intensity forecast capability.

There is a lot of concern with regard to this. We certainly are extremely sympathetic to the purpose of the amendment. We do not like the offset at all.

I am wondering if the gentleman would, and I will yield to him for a discussion of this, if the gentleman would like to work with us and secure this funding, do everything we can. I think $2 million we certainly can do as we process this bill forward to conference.

Mr. JINDAL. If the gentleman would yield?

Mr. MOLLOHAN. I yield.

Mr. JINDAL. I certainly would be happy to withdraw the amendment. I look forward to working with the chairman. I thank him for his interest in improving the ability of NOAA and to predict the accuracy and intensity of hurricanes as they form along the coast.

Mr. MOLLOHAN. The gentleman is totally correct. Additional funding in this area could be used. We are convinced of that. We look forward to working with the gentleman.

Mr. JINDAL. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents, Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

NATIONAL ACADEMY OF SCIENCES'

CLIMATE CHANGE STUDY COMMITTEE

Of the amounts provided for the ''National Oceanic and Atmospheric Administration, Operations, Research and Facilities'', $6,000,000 shall be for necessary expenses in support of an agreement between the Administrator of the National Oceanic and Atmospheric Administration and the National Academies under which the National Academies shall establish the Climate Change Study Committee to investigate and study the serious and sweeping issues relating to global climate change and make recommendations regarding what steps must be taken and what strategies must be adopted in response to global climate change, including the science and technology challenges thereof.

The agreement shall provide for: establishment of and appointment of members to the Climate Change Study Committee by the National Academies; organization by the National Academies of a Summit on Global Climate Change to help define the parameters of the study, not to exceed three days in length and to be attended by preeminent experts on global climate change selected by the National Academies; and issuance of a report by the Climate Change Study Committee not later than 2 years after the date the Climate Change Study Committee is first convened, containing its findings, conclusions, and recommendations. Of such amount, $1,000,000 shall be for the Summit on Global Climate Change and $5,000,000 shall be for the other activities of the Climate Change Study Committee.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,039,098,000, to remain available until September 30, 2010, except funds provided for construction of facilities which shall remain available until expended: *Provided,* That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further,* That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code. *Provided further,* That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $64,825,000, to remain available until September 30, 2009: *Provided,* That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, California, and Alaska, and the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be solisted, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further,* That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds: *Provided further,* That non-Federal funds provided pursuant to the second proviso be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act, 1936.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $58,693,000.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ZOE LOFGREN of California:

Page 16, line 20, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 21, line 7, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 30, line 10, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 42, line 8, after the dollar amount insert ''(increased by $55,000,000)''.

Page 43, line 3, after the dollar amount insert ''(increased by $55,000,000)''.

Ms. ZOE LOFGREN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer this amendment on behalf of myself, Ms. LINDA T. SÁNCHEZ of California, Mr. DREIER of California, Mr. HUNTER, and Mr. CARTER of Texas.

This amendment would increase the State Criminal Alien Assistance Program funding by $55 million, a 14-percent increase over the funding level currently included in the bill.

The offset for this increase would be a transfer from three different accounts, $25 million from the departmental management of the Department of Commerce, $25 million from the Department of Administration from the Department of Justice and $5 million from the FBI's Construction and Acquisition Fund.

The State Criminal Alien Assistance Program, or SCAAP, provides critical

reimbursement to States and localities for the incarceration of undocumented criminal aliens. This program was created in 1994 to ease the fiscal burden on States and local governments.

SCAAP had its highest funding relative to authorization in fiscal year 1998, 1999 and 2000 under the Clinton administration when $585 million was appropriated. By increasing SCAAP by $55 million, this amendment would bring funding to States and local governments closer to the authorized amount. I would note that this would still be under 50 percent of the authorized amount for SCAAP of 48 percent, in fact. It would bring needed assistance to States such as California, Arizona, Texas, Florida and New York, all of whom have come to rely on SCAAP reimbursement to help absorb the high financial cost of incarceration of aliens.

Over the last 6 months, I have met with many Members of this House, both Republican and Democrat, to listen to their concerns about immigration as we examined the comprehensive immigration reform proposals and various elements of it. One of the issues that was raised on both sides of the aisle is the cost of incarcerating undocumented criminal aliens that is being passed on to States, counties and other localities.

I would note that this amendment, a modest increase of 14 percent, is endorsed by the National Association of Counties, and, likewise, we have a letter from 17 Governors who support increased SCAAP funding going to their States. These States' Governors include Arizona, Oklahoma, South Dakota, Oregon, California, Washington, Utah, Georgia, Florida, Kansas, Illinois, Virginia, New Mexico, New York, Minnesota, Texas and Nevada.

This is a good investment for local governments, for our States. It's part of shouldering our responsibility, because immigration is a Federal responsibility.

I think it's an item where, on a bipartisan basis, Mr. DREIER and I chair our respective State delegations, he the Republican delegation, I the Democratic delegation, that we can deliver jointly.

I respect a great deal, as Mr. MOLLOHAN knows, the chairman of this subcommittee. We have worked together on many items. This amendment should not be seen as critical of his wonderful efforts, but I think we can do just a little bit better, and I think our constituents and counties and our constituents and States will appreciate that we are doing something to ease the burden of incarcerating illegal immigrants.

I would note that all of the studies show that immigration is good for America. Legal immigration is good for America. It boosts productivity. We know that in our high-tech sector, more than half of the startups in Silicon Valley have an immigrant cofounder. There is much to revel in immigration in America.

But having said that, there are costs. This is one of them, something we can do something about, do something about. This bipartisan amendment really deserves the support of us all.

Mr. Chairman, I yield the remainder of my time to the cosponsor, Ms. LINDA T. SÁNCHEZ of California, noting that the Judiciary Committee on which we both serve is the authorizing committee. She has been a true partner in this effort.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I want to thank our chairwoman of the subcommittee, Ms. ZOE LOFGREN of California, for her efforts on behalf of this issue and many others as well.

I rise today to urge my colleagues to support this bipartisan amendment to increase funding for the State Criminal Alien Assistance Program, the SCAAP program.

The CHAIRMAN. The time of the gentlewoman from California (Ms. ZOE LOFGREN) has expired.

(On request of Mr. DREIER, and by unanimous consent, Ms. ZOE LOFGREN of California was allowed to proceed for 2 additional minutes.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I would yield the 2 minutes to the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. When the Federal Government passed SCAAP in 1994, it recognized its responsibility to reimburse States and localities for the arrest, incarceration and transportation costs associated with criminal aliens.

Unfortunately, this program has been consistently underfunded. In fact, the President's budget proposal for next year provided no funds for SCAAP whatsoever. Fortunately, the Appropriations Committee and Chairman MOLLOHAN wisely allocated $405 million, $164 million more than the current level. However, this is not even enough.

States and localities are still only getting a small fraction of what they are spending. This inadequate funding has had a devastating effect on public safety, especially in California and other border States. At a time when many States and counties face budget shortfalls, every dollar reduced in SCAAP reimbursement means one dollar less to spend on essential public safety services.

Following SCAAP funding cuts in 2003, the L.A. County Sheriff's Department was forced to implement a new early release policy for inmates convicted of misdemeanors. From a public safety standpoint, it is far better for criminals to serve their full sentences.

Without adequate resources, other programs will have to be scaled back or cut all together. Programs that are in jeopardy could include basic police protection, anti-gang activities, homicide investigations, anti-terrorism activities and rehabilitation programs to reduce recidivism. We introduced this amendment to ensure that police chiefs and sheriffs do not have to choose between keeping children out of gangs and incarcerating criminal aliens.

I urge my colleagues to support this amendment.

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

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

Mr. DREIER. Mr. Chairman, I rise in strong support of this amendment.

I would like to first express my appreciation first to Chairman MOLLOHAN and to the gentleman from New Jersey (Mr. FRELINGHUYSEN) and to the members of the Appropriations Committee for increasing the level of funding within the committee.

My colleague Mr. CARTER, who is a coauthor of this amendment and was involved in this, in the work of the Appropriations Committee, I have to finally say we brought the level of the committee funding to exactly $405 million, which is where we actually had it last year.

I would say I was very pleased in working with then-chairman Jerry Lewis and other members of the Appropriations Committee in the 109th Congress to add an additional $50 million to the State Criminal Alien Assistance Program. We got to that $405 million level. This year we are at the same level thanks to the work of Messrs. MOLLOHAN, FRELINGHUYSEN, CARTER, and others who have been involved in this.

This was an issue that actually came to the forefront in 1994 when a number of us felt very strongly about the fact that cities, counties and States are not responsible for protecting international borders. It is the responsibility of the Federal Government to secure our Nation's borders.

It saddens me greatly that here we are, 13 years later, still struggling with the issue of securing our borders. Ms. ZOE LOFGREN, the distinguished Chair of the Judiciary Subcommittee on Immigration, has spent a great deal of time reaching out to me and others working on our effort to try to deal with this issue of border security and bringing an end to illegal immigration.

I will say that we haven't gotten there yet, as we found from the actions or lack of actions so far in the other body, and, frankly, in this House as well, on the issue. What we do know is it is still the responsibility of the Federal Government to secure our Nation's borders. That is why we should not, as a Federal Government, be imposing on cities, townships, counties or States the responsibility for incarcerating those who have come into this country illegally and have committed crimes against our fellow Americans.

□ 1530

I happen to live in Los Angeles County, and our county alone, the cost for incarcerating people who are in this country illegally and have committed crimes is in excess of $150 million a year.

The level of funding in this program is $405 million right now. If we are successful, which I suspect we will be, with passage of this amendment, we will add $55 million taken from accounts which I know concern the distinguished ranking member and I suspect the chairman as well, deal with the $5 million from the construction fund for the Federal Bureau of Investigation, and the administrative funds in both the Department of Commerce and the Department of Justice.

Mr. Chairman, we feel very strongly that as we look at the challenge of securing our borders, of ending illegal immigration, and of creating, creating a degree of equity when we look at the costs inflicted on local and State taxpayers, we need to pass this amendment.

We know that as we look at the challenges ahead, the costs are going to continue to be very, very high, as I said, with my county alone at $150 million. And the total program will end up, assuming passage of this amendment, to be $460 million for the entire country. We still have a ways to go.

I was very pleased, Mr. Chairman, in the 109th Congress, as I said, to have offered this amendment. I was hoping in the 109th Congress to have built the kind of bipartisan support that we enjoy for this amendment. I was saddened that we weren't able to do that, but we were nevertheless able to succeed in passing that and at the end of the day actually have that funding level increased. But as the problem continues, it is essential that we step up to the plate and take on our responsibility for dealing with this issue.

So once again, Mr. Chairman, I express my appreciation to all involved. The lead author of this amendment, Ms. ZOE LOFGREN, has worked, as I said, on the immigration issue for a long period of time, and I believe that she is going a long way towards addressing this question.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 3 additional minutes.)

Mr. DREIER. Mr. Chairman, I am happy to yield time to my friend from Texas, a member of the Appropriations Committee who has worked very, very hard on this, Judge CARTER.

Mr. CARTER. I thank my friend for yielding, and I thank both the chairman and ranking member of my committee.

I bring to this discussion and this bipartisan support, I hope, the perspective of having been in the trenches and having dealt with this issue.

I can't count on all the digits that I have the number of times that I have sat in a meeting of the Williamson County law enforcement group about the overcrowdedness of our jail in Williamson County, Texas, now a county of about 350,000 people.

We always look to see how many Federal prisoners we had in our jail, and always we would see 22 to 30 percent of these people would be what we considered Federal prisoners, illegal aliens, that had committed crimes. Now, yes, this is an immigration issue. Yes, it is a border protection issue. And these are issues that we all agree we must address. We will, I am confident, address them. But it is also a law enforcement issue. It is an issue that our people who enforce our laws at the local level and do the right thing, take them to court, try them, convict them, hold them while they are ready for trial, have space taken up by a responsibility of our Federal Government. And what we are doing here today is providing resources for those local people so that they can do their job and enforce the laws of the United States and of our various States.

This is a good use of our money to assist our locals, counties, States, and other authorities that have this duty of enforcing our laws in America, to help them do their job so we are not burdening the taxpayer at the local level and shifting funds from good things that keep our communities safe in order to keep these people in jail. And, believe me, they will do what it takes to keep them in jail.

So, therefore, let's do our job. Let's pass this additional funds for helping those who would incarcerate criminals on our behalf, and by that, I think we will be doing a good thing for our country.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the gentleman from Texas and, again, congratulate him on the hard work that he has put in this effort. His judicial experience is such that he understands this problem as well as any Member of this body. And I will join again of my California colleagues, Ms. SÁNCHEZ and Ms. ZOE LOFGREN, that I do believe that recognition now that we can do this in a bipartisan way is a very, very, very important achievement for this institution.

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

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. And I want to begin by saying I am very impressed by the bipartisan presentation by the representatives from California, all of whom I respect very highly and many of whom I work very closely with.

Let me start off by saying their support for increasing SCAAP is not misplaced on its merits. Indeed, I am struck by the fact that their efforts on a bipartisan basis are evidence, pretty strong evidence, of inadequate funding, certainly in the request of the President. We have increased SCAAP by multi-billions of dollars, as we have already said, above the President's request. But the one argument against the bill that comes from the minority side is that we have too much money in this bill to fund the priorities in this bill.

I think this amendment is evidence in an argument against that position. There is not too much money in this bill to fund the priorities in this bill, and SCAAP is certainly a priority.

Let me help those who are moving this amendment with their argument. Certified requests for reimbursement to this SCAAP account from the jails, the sheriffs, and the State prison systems would demonstrate or would evidence the fact that there is twice the certified merit for reimbursement of this program than this program has funded.

In other words, we are only having 50 percent of the money that is in the bill. And even if we raise it, it is virtually not increased much more. We are only funding 50 percent of the certified demand for this program in this bill. Well, that is not unusual. There are a number of programs in this bill that certifiably we are only meeting 50 percent of the need.

When I was before the Rules Committee, the distinguished gentleman, Mr. DREIER from California, talked about our increase in funding for Legal Services. Well, we have increased Legal Services by $28 million in this bill to $377 million. And there is a study that was recently completed, a credible study that we are only serving 50 percent, just coincidentally, of the demand of people across the country who need legal services, but because of their financial condition cannot access the courts of this land. Now, that is meritorious.

It is meritorious, I believe, that we have a program, Legal Services Corporation, that meets that need and allows people to access the legal system. If equal protection under the law means anything, it means equal access to the law. So we have a legal services program to do that, but it is only 50 percent adequate in its funding. Well, SCAAP is only 50 percent. So we all have to sacrifice here, and this is a reimbursement program to States and local governments that are incarcerating illegal aliens. It is meritorious. So is Legal Services. I am just saying that the funding is inadequate, Mr. Chairman, and that we need additional resources in this bill.

So now we are down to prioritizing, and we think that we have done a good job in crafting the priorities of this bill. We are funding Legal Services at 50 percent. Legal Services' high watermark in 1995 was $400 million. We are not there, but SCAAP is there. We are not there. We are not back there. We are at $377 million in this bill.

SCAAP is not disadvantaged in this bill. Relatively speaking, look back over the years. In 2005, SCAAP was funded at $305 million. From 2005 to 2006, it jumped to $405 million. Why? Because of the good efforts of the distinguished chairman of the Appropriations Committee at the time, Chairman LEWIS, and the chairman of the

Rules Committee at the time, Mr. DREIER, to effect an increase of $100 million.

So if you go off the base of 2005 of $305 million, Legal Services was increased to $405 million; we funded it at $375 million. At full committee, it was increased back up to $405 million. It is where it was. It is where it was last year. Relatively speaking, off of that 2005 base, SCAAP is enjoying a privileged position in this bill of strongly competing programs which rate merit.

So now where is the offset? So I am just saying, admitting, acknowledging, stipulating to SCAAP being underfunded, along with a lot of programs, State and local programs, as well as agency programs in this bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word and to yield 2 minutes to my chairman.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes and yields 2 minutes.

Mr. MOLLOHAN. I thank my distinguished ranking member, Mr. FRELINGHUYSEN.

Since we are talking about increasing inadequate funding in the bill, Mr. Chairman, let me explain that in our law enforcement agencies, we had a gap in the funding of the bill versus the need. The Department of Justice faced the challenge to fill authorized positions in all of its components, and partly as a result of chronic gaps between the funding requested by the President and the appropriation for these administration accounts and the true cost of paying for raises. We had going into this bill, underfunding in the Department of Justice, which we have tried very hard to address.

The offsets for funding SCAAP in this amendment impact those administration accounts in Justice and in Commerce. These are real people doing real jobs, and we have very carefully funded them. These accounts are underfunded by the President, just like SCAAP and just like Legal Services are underfunded. We have tried to balance priorities as we move forward, and there are lots of people concerned about these offsets.

This amendment proposes to offset $25 million in the S&E accounts for the Department of Commerce. Commerce runs good programs. The amendment proposes to offset $25 million in the Department of Justice for general administration. The Department of Justice has a lot of programs to administer, and many are State and local programs which distribute those funds to our local law enforcement. We can't cut either program by $25 million. This would hurt real people with real jobs. We are not funding overemployment in these agencies and we are not funding salary increases at adequate levels, either.

A lot of folks are concerned about this, and that is why we tried to balance the bill fairly. The folks that are going to be RIFed and laid off are government employees and are concerned about it. Their union representatives, the American Federation of Government Employees, AFL–CIO, are concerned about amendments such as this one and they have written us a letter:

''Dear Chairman MOLLOHAN, On behalf of the American Federation of Government Employees, AFL–CIO, I strongly urge you to oppose any amendments that would substantially reduce fiscal year 2008 funding for the salaries and expenses account in the Department of Justice agencies.'' And they are concerned about the others besides Commerce and Justice as well. These offsets have cavalierly, I would say, respectfully, targeted these administrative accounts.

I thank my ranking member for yielding me time. I respectfully engage this debate with my colleagues who I respect, and it brings me to respectfully opposing this SCAAP amendment. If our bill were to receive any more money, and I note that the Senate has $800 million more, maybe we can address these concerns in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I reluctantly oppose the amendment as well. And obviously we have a strong appreciation and affection for the power and the reasonableness of the delegations from California and Texas. The nexus between Texas and California is a pretty strong nexus here.

And I am supportive of SCAAP. I think Mr. DREIER kindly has acknowledged that the committee did put money in there through a Honda amendment, and obviously we would like to plus it up. The costs have somewhat escalated from what we originally anticipated from the floor debate here.

But I would agree with the chairman. The cuts that are proposed from these accounts actually affect real people.

□ 1545

And in the Commerce Department management account, and I know Mr. DREIER is an advocate of trade, it's a 40 percent cut in the management account for the Department of Commerce, which leaves them with 60 percent for operating costs. And for the Justice Department general account, which is $104 million, $104.8 million, this account is reduced by $25 million. They're down to $79 million. That means people out the door who are doing prosecutions that are important to all of us, perhaps even related to the issues that we're focused on today, which is criminal aliens.

So I reluctantly oppose the amendment, but certainly am sympathetic and have been because I've been well educated by not only the Member of Congress from California.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. FRELINGHUYSEN was allowed to proceed for 3 additional minutes.)

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman from California is kind to yield to me. I reluctantly oppose the amendment.

Mr. DREIER. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. And, Mr. Chairman, I will again state my great appreciation to the distinguished chairman from West Virginia and the gentleman from New Jersey. And the gentleman from New Jersey has just bragged on the States of Texas and California, and I will reciprocate by bragging on both New Jersey and West Virginia and saying that they're both great and very important States.

And I suspect that in West Virginia and New Jersey, the challenge of trying to deal with the cost of the incarceration of people who are in this country illegally and have committed crimes is a very serious and important one, and I recognize the sensitivity.

I personally am not a huge proponent, as I said earlier in response to the distinguished chairman of the subcommittee's comments on the Legal Services Corporation when he was testifying before our Rules Committee. And as I look at the numbers for both of these accounts, and I know that my friend from New Jersey, when the chairman and the ranking member were testifying before the Rules Committee, argued for a slightly, he said that he believed that the level overall could be slightly lower. And I looked at the level of funding, and the gentleman is absolutely right. I am a huge proponent of trade, breaking down barriers, and I want to do everything that I possibly can to expand export opportunities for the United States around the world.

But as I look at the level of funding, Mr. Chairman, for both the Department of Commerce and the Department of Justice, the Department of Commerce actually has a 7 percent increase over the President's request, 6 percent of the level of funding last year. That's $468 million more than has been requested by the President, and that's in the case of the Commerce Department. In the case of the Department of Justice, it's $1.7 billion more than the President has requested.

Now, in both of these areas we know that the President is absolutely committed to dealing with the crime problem, which is a very serious one, and obviously with the issue of expanding trade opportunities. And the overall level of funding in both of these areas is significantly higher than what was expended last year and what the President's request level is.

And I think that as we look at establishing priorities, it, from my perspective, is relatively, relatively, and I'll say that a third time, relatively easy. And I know how tough it is for the two gentlemen who manage this area to find that State Criminal Alien Assistance Program funding is, in fact, a

very high priority for both Democrats and Republicans, as I said, for people in both West Virginia and New Jersey, as well as California and Texas and, frankly, all across the country. And so I would hope that as we move ahead with this process, that we'll see support in this House for this amendment.

And I know that as the two gentlemen head to working with our colleagues in the other body and ultimately with the administration, I hope that we will be able to keep this issue on the forefront as a very important priority.

Mr. FRELINGHUYSEN. I yield back, Mr. Chairman.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are advised that under the 5-minute rule, Members who move to strike the last word may yield to other Members, but not for specific lengths of time. When the Chair purported to recognize Mr. MOLLOHAN for 2 minutes, in actuality that signified only that Mr. FRELINGHUYSEN would reclaim his time after that interval.

The question is on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN).

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

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

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

AMENDMENT NO. 26 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. PRICE of Georgia:

Page 16, line 20, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 65, line 21, after the dollar amount insert ''(increased by $2,000,000)''.

Mr. PRICE of Georgia. Mr. Chairman, this is an amendment in a little different vein. It's an amendment to increase funding in the Math and Science Partnership Program under the National Science Foundation by $2 million, and reduce by $2 million the Department management salaries and expenses under the Department of Commerce.

I'll offer an amendment here to increase American competitiveness and to improve opportunities for America's children. My amendment proposes to offer additional funding to the Math-Science Partnership Program under the National Science Foundation. We must fund important priorities to ensure that our Nation continues to see positive growth in our youth in the area of math and science.

In my home State of Georgia, I recently had the opportunity to join over 25,000 students and teachers and researchers from 31 different countries at the Georgia Dome for the FIRST competition. The FIRST, as many of my colleagues know, stands for For Inspiration and Recognition of Science and Technology. It's a robotics competition. If any of my colleagues haven't been to a robotics competition, I encourage them to go see one. It is a remarkable experience.

I was extremely impressed with the level of enthusiasm and the remarkable educational benefit with this type of an initiative that's provided to thousands of American students. We should continue to promote this and other similar programs throughout the Nation.

I'm sure that my colleagues recognize the significance of promoting a strong interest in math and science and technology education. These fields of learning and research are vital to our country's continued success. In fact, investment in basic research and programs like this is an essential element in assuring future prosperity, security and leadership in our rapidly evolving world.

The National Science Foundation has a mission to achieve excellence in science and technology, engineering and mathematics educational at all levels and all settings, from kindergarten through postdoctoral training. One of the most important successful initiatives under the NSF is the Math and Science Partnership Program, established in 2002, to strengthen and reform mathematics and science education for children around the Nation.

It's important to offer children guidance and examples set by mentors and role models, and provide students the opportunity to learn about the importance of higher education, and they're exposed to career options, especially from those folks who love and are enthusiastic about science and engineering and mathematics.

Under this commendable program, each State administers its own competitive grant program for institutions of higher education, K–12 schools and local partners.

In addition, the MSP program focuses on raising educational standards to prepare children for postsecondary education in math, science or engineering.

This program is worthy of additional funding because of its positive results for improving math and science skills which are vital for a developing workforce that's capable of increasing America's competitiveness internationally.

All jobs of the future will require a basic understanding of math and science. In fact, the 10-year employment projections showed that of the 20 fastest-growing occupations, 15 of them require significant math and science preparation.

This small adjustment is a symbol of our greater commitment to STEM education programs. Support for these programs is vital for the continued success of our children, our citizens and our Nation, and I encourage my colleagues to support the amendment.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I find myself agreeing with everything the gentleman has argued, and at the same time being, unfortunately, opposed to his amendment.

It's hard for any of us to argue or to have a desire in our hearts to do anything but increase the National Science Foundation. We all understand what good work it does.

NSF provides competitive, peer-reviewed granting that translates into cutting-edge research that is the foundation for the future economic viability of the Nation. Our economy is increasingly becoming an international one, and we have to be on the cutting edge.

That's why we have funded NSF at a rate that guarantees its doubling in a 10-year time span. We embrace and salute the doubling and have been responsive to that need that is expressed by members and the community.

Nothing is more important than funding education, and increasing NSF and its ability to develop and implement programs to facilitate education and to incentivize our best and brightest young people to go into math and science, and to choose those careers. That's what NSF does very well. The gentleman wants to facilitate that by augmenting our funding in the education accounts for math and science partnerships. I commend him for the initiative.

I oppose the amendment because we have funded the Math and Science Partnership Program. We increase it significantly in our bill, and I'm sure the gentleman knows that. We increased it $20 million over the President's request of $46 million for a total of $66 million. That's a 43 percent increase. And I will say that not only is it a generous increase, but perhaps it's an increase they need time to absorb.

The fact is that we have significantly increased Math and Science Partnerships $20 million over the President's request, funding it at $66 million.

Where does the offset money come from? It comes from Commerce. For every one million dollars that you offset in these administration accounts, at least seven people would be laid off. We're not funding these administrative and S&E accounts with the idea that we can use this funding for amendments on the floor. We're funding these accounts at the requested level or at the levels that we've discerned are adequate pursuant to information that we've received in our hearings. We're on the level with funding in these administration accounts. Again, I think

these offsets are cavalier. No matter how meritorious the object of the funding increase, it's cavalier to cut S&E accounts.

The employees are saying, help. Time out. Stop. Their organizations, like the American Federation of Government Employees, AFL–CIO, are writing to us. They're saying, please stop invading these administrative accounts.

With that comment, Mr. Chairman, I yield to my distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, let me join with you in congratulating Mr. PRICE for pushing something which the committee has pushed, which is promoting math and science, especially encouraging young women to get into those pursuits and academics.

Mr. PRICE has indicated to me that he would be willing to withdraw his amendment if he had a commitment from us that we would work hard as we progress in putting our bill together matching it with the Senate to see what we could do to increase these accounts.

I should point out that we are doing more, as you have noted, for the National Science Foundation.

The CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman.

But our committee reverberates in every sense. It is an echo chamber that not only NSF, but NOAA, NASA, and all of these agencies ought to be promoting math and science education. So I will be happy to work with you.

Mr. PRICE of Georgia. I thank my friend from New Jersey, and I appreciate the chairman's comments, and I appreciate what the committee has done in terms of bumping up this money. I'm so impressed with the opportunities that children can have with appropriate programs like the FIRST program and like the math and science program.

I look forward to working with you as we move forward through this process to make certain that we're bringing all the resources to bear to be able to give our kids the greatest opportunity in the area of math and science.

Mr. MOLLOHAN. With that representation, I'll be extremely pleased to work with the gentleman in that regard.

Mr. PRICE of Georgia. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1600

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $3,364,000, to remain available until expended.

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 (5 U.S.C. App.), $23,426,000.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than ten percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Section 3315b of title 19, U.S.C., is amended by inserting ", including food when sequestered," following "for the establishment and operations of the United States Section and for the payment of the United States share of the expenses".

SEC. 106. Section 214 of division B, Public Law 108–447 (118 Stat. 2884–86) is amended by:

(1) inserting "and subject to subsection (f)" after "program" in subsection (a); and

(2) deleting subsection (f) and inserting the following:

"(f) FUNDING.—There are authorized to be appropriated to carry out the provisions of this section, up to $4,000,000 annually.".

SEC. 107. (a) Section 318 of the National Marine Sanctuaries Act (16 U.S.C. 1445c) is amended by:

(1) inserting "and subject to subsection (e)" following the word "program" in subsection (a); and

(2) deleting subsection (e) and inserting:

"(e) FUNDING.—There are authorized to be appropriated to the Secretary of Commerce up to $500,000 annually, to carry out the provisions of this section.".

(b) Section 210 of the Department of Commerce and Related Agencies Appropriations Act, 2001 (Public Law 106–553) is repealed.

SEC. 108. Notwithstanding the requirements of subsection (d) of section 4703 of title 5, United States Code, the personnel management demonstration project established by the Department of Commerce pursuant to such section 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by striking section 5 and paragraphs (1) and (3) of section 4, and redesignating paragraphs (2) and (4) through (13) of section 4 as paragraphs (1) through (11), respectively.

(b) Section 212(b) of the National Technical Information Act of 1988 (15 U.S.C. 3704b) is amended by striking "Under Secretary of Commerce for Technology" and inserting "Director of the National Institute of Standards and Technology".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security for and construction of Department of Justice facilities, to remain available until expended: *Provided*, That not to exceed 45 permanent positions, 46 full-time equivalent workyears, and $12,684,000 shall be expended for the Department Leadership Program: *Provided further*, That not to exceed 24 permanent positions, 24 full-time equivalent workyears, and $3,734,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 22 permanent positions, 22 full-time equivalent workyears, and $2,968,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, it had been previously the intention of Mr. PLATTS and myself to offer an amendment to title II of the bill. In discussions with the chairman, we will not be offering that amendment today, but I rise to speak briefly on an issue that I know is of great importance to Chairman MOLLOHAN, and that is the issue of juvenile justice.

Mr. Chairman, I would like to thank Chairman MOLLOHAN for his incredibly hard work on this bill. I am particularly glad that the bill contains a significant increase for the Department of

Justice's Office of Juvenile Justice and Delinquency Prevention. At $400 million, the OJJDP saw a $62 million increase from last year's level. It received $120 million more than the President requested in his budget. It would be hard to overstate how meaningful these increases are going to be to the juvenile justice community.

The amendment that Mr. PLATTS and I were going to offer today would have increased the Juvenile Justice Title II State Formula Grants by $5 million. States rely on these grants to achieve and maintain compliance with the core requirements and protections of the Juvenile Justice Delinquency Prevention Act. These requirements protect children who become involved with the courts and ensure that the treatment and services they receive are appropriate for their age, their stage of development, and are suited to their specific offense.

Mr. Chairman, when I was in the State legislature, I had the great honor of working on issues related to juvenile justice, and we made great strides in Connecticut in terms of bringing more appropriate care to children in our juvenile justice system and really moving from simply punishment and towards prevention and rehabilitation. These kids don't have lobbyists. Many of them don't even have a home. And as a result, they are often forgotten and voiceless in the halls of State legislatures and here in Congress. Mr. MOLLOHAN and his office have sought to bring a voice back to these children, and I hope that we can build on that.

Since 2002, States have seen an 11 percent decrease in State formula grants authorized under the JJDPA, meaning that States have had fewer resources with which to keep kids safe and handle their cases appropriately. States use these formula grants to divert status offenders away from jails and towards appropriate community-based programs to assist them and their families. Status offenders are children under the age of 8 who have committed acts that would otherwise not be considered crimes if they were adults, like skipping school, running away from home, and the possession or use of tobacco. Status offenders may not be held in secure detention or confinement, with a few exceptions.

States also use these funds to monitor adult lockups and ensure that youth are housed in age-appropriate settings. They enact mandates that youth may not be detained in adult jails and lockups. When children are placed in adult jails or lockups for any period of time, sight and sound contact with adults is prohibited.

States across the Nation are using these funds for very innovative programs to provide children with much more appropriate care. There is very little political utility in State legislatures and here in Congress to stand up for children who have gotten into our criminal justice system, but these funds are used to give these children another shot at success in life.

I am glad to be joined by Mr. PLATTS from Pennsylvania, who was going to cosponsor this amendment, and I would be glad to yield to him at this time.

Mr. PLATTS. Mr. Chairman, I will quickly just say that I am honored to have joined with the gentleman from Connecticut in offering this amendment. I want to commend him for his leadership both in the State legislature and now here in Washington on issues important to our Nation's youth.

I also want to reference I am the ranking member of the Healthy Families and Communities Subcommittee of the Committee on Education. And our chairwoman, Chairwoman MCCARTHY, has been a great leader this year on issues dealing with juvenile justice and the needs of our youth. And I just appreciate the efforts here in trying to strengthen our juvenile justice system and our treatment programs so that our youth get the services, the treatments they need as well, as the appropriate imposition of justice based on their age and stage of development. And that is what this amendment sought to do.

I very much appreciate the chairman of the subcommittee and the ranking member for their efforts in addressing the funding needs of this area and their efforts to work with the gentleman from Connecticut and me and others as we go forward to strengthen the funding for these very important programs so we can do right by the youth of our Nation and help those who are troubled and get into difficulties with the law to be treated and be rehabilitated and, as the title of the underlying act, the Juvenile Justice Delinquency Prevention Act, to prevent delinquency in the years to come.

So, again, I appreciate the gentleman from Connecticut's leadership on this issue.

Mr. MURPHY of Connecticut. Mr. Chairman, I thank Mr. PLATTS again. And I would like to thank Mr. MOLLOHAN for his commitment to this issue. This is a very important increase in the underlying bill in juvenile justice funds. I know he is committed to continuing that upward trend. That is going to mean a great deal to the children who have ban caught in our juvenile justice system and still have a great opportunity to be productive members of society once their time is served.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

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

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

Mr. MOLLOHAN. Our bill demonstrates an upward trend in juvenile justice programs, indeed, Mr. Chairman. That has been a real focus and priority of this subcommittee as we have marked up the bill.

We have increased funding in juvenile justice programs $120 million over the President's request, and that is $62 million over 2007 funding. Why? Because of efforts from Members like Mr. MURPHY, who has been all over this issue, and I value very much his expertise as he has communicated with the subcommittee. He has expressed his concerns about juvenile justice, about the problems that these programs address; and he is really to be commended. He has also made it clear that Mr. PLATTS has been very active in this effort as his colleague, and I commend Mr. PLATTS as well.

We look forward to working with them as we move this bill forward, but also in future years to ensure that the juvenile justice programs not only are funded appropriately but also that they are focused as they should be so that we make sure this funding is spent to maximize not only its efficiency but its effectiveness.

So, Mr. PLATTS, Mr. MURPHY, we thank you for your assistance with regard to this issue, and we look forward to working with you.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 21, line 7, insert after the dollar amount ''(reduced by $6,250,000)''.

Page 25, line 12, insert after the dollar amount ''(increased by $750,000)''.

Page 29, line 19, insert after the dollar amount ''(increased by $5,500,000)''.

Mrs. BIGGERT. Mr. Chairman, I offer an amendment with my colleague from Florida (Ms. GINNY BROWN-WAITE) to the fiscal year 2008 appropriations bill to help the Department of Justice crack down on mortgage fraud.

This amendment will increase funding to allow the Department of Justice to secure two additional prosecutors, enable the FBI to hire 30 additional agents, and support the FBI's interagency task force operations to combat mortgage fraud.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I understand what the gentlewoman wants to do in terms of mortgage problems, and I understand that the source of her money, the offset, is from general administration for the Department of Justice.

Mrs. BIGGERT. That is correct.

Mr. OBEY. And given the performance of the Attorney General in the other body yesterday, I see no great harm in taking $6 million away from him; so I would be happy to accept your amendment.

Mrs. BIGGERT. I thank the gentleman.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in strong support of the Biggert-Brown-Waite amendment to H.R. 3093, the Commerce, Justice, and Science Appropriations bill.

Our amendment is vital in the FBI's efforts to crack down on the rampant mortgage fraud in our Nation.

FBI research showed over 3,000 reported incidents of mortgage fraud in 2000, but more than 37,000 in 2006.

This shocking, 10-fold increase shows that predators are hitting more and more homeowners in all walks of life—from first-time homebuyers to seniors.

My great State of Florida reported the highest incidents of mortgage fraud in 2006, followed closely by California, Michigan, and Georgia.

The FBI's fraud caseload is growing dramatically, but the funds in this bill do not go far enough to keep pace.

Our amendment transfers $6.25 million from the Department of Justice's General Administration account to the Offices of the United States Attorney and the FBI.

These funds will help provide additional staffing and resources so the FBI can get an adequate handle on these growing cases and bring relief to Americans who, in trying to achieve their dream of owning a home, have instead experienced their greatest nightmare.

I urge my colleagues to support the Biggert-Brown- Waite amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 21, line 7, insert ''(reduced by $4,500,000)'' after the dollar amount.

Page 21, line 26, insert ''(reduced by $4,125,000)'' after the dollar amount.

Page 22, line 9, insert ''(reduced by $3,375,000)'' after the dollar amount.

Page 22, line 19, insert ''(reduced by $10,500,000)'' after the dollar amount.

Page 22, line 25, insert ''(reduced by $52,500,000)'' after the dollar amount.

Page 46, line 6, insert ''(increased by $75,000,000)'' after the dollar amount.

Page 47, line 24, insert ''(increased by $75,000,000)'' after the dollar amount.

Mr. WEINER. Mr. Chairman, for those viewers of this debate each year and for my colleagues who think that really very little had changed when the House of Representatives changed from majority Republican to majority Democrat, we are seeing in this bill very profound changes in policy in this country, and none is more profound than the difference in the approach to the COPS program. This year's bill has $100 million for hiring in the COPS program.

In the COPS program, as many of you know, more than 100,000 police officers in small towns, big cities throughout the country were hired in the period beginning in 1995. Yet shortly after the beginning of the Bush administration, the COPS program was slashed and slashed and slashed to essentially die on the vine.

As you see in this chart, in 1995 you had in the neighborhood of 20,000 cops being hired each and every year. In 2005 and 2006, 2007, it was down to zero.

In this year's bill, to the enduring credit of the chairman and ranking member and members of the committee, this is now being funded at $100 million. That is going to allow us an opportunity to hire many, many more police officers.

Now, we have also, in the first couple of months of the new Congress, passed a reauthorization of the COPS program for another 50,000 cops on the beat. Now, it has gone to the other side of this building. It has gone to the other body and seems to be doing what so much legislation does, and that is dying a slow, excruciating death. They say the other body is the ''cooling saucer of democracy.'' They have turned into the deep freeze when it comes to many of the things that this House is doing.

But what this amendment seeks to do is to say let's take that success and let's take it even further. This is one of the programs, the COPS program, it is democratic with a small ''d.'' If you are in a small town, conservative neighborhood, you have gotten COPS. If you are in a big city like mine, you have gotten COPS. What the COPS program argues is that Federal law enforcement, that Federal anti-terrorism means helping local authorities hire more police officers. That is why the Fraternal Order of Police, the International Association of Chiefs of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, the National Sheriffs Association all support dramatically increasing this program.

□ 1615

Now, Chairman MOLLOHAN has taken a program that has essentially been killed and gives it more life. And this is what we need to continue on the trend towards. Now, whether we do it more in this bill with my amendment, or whether we finally get the other body to reauthorize the program and we can start doing this in regular order, we need to realize that as Tom Ridge, the former Secretary of Homeland Security, once said, ''Homeland security starts in our hometown.'' We can't just say to cities, go out and protect yourselves. We need a Federal program that works.

Now, I don't mind pointing out that at the apex of the hiring was also the highest point in our crime reduction in this country. We have seen over the course of several FBI index reports that it has started to creep up more and more and more, and by no small measure because of the reduction in the COPS program.

We need to continue on this arc. The committee has done an excellent job in doing that.

I would be glad to yield to the chairman if he has any feedback for me.

Mr. MOLLOHAN. I appreciate the gentleman from New York's interest in this. As a matter of fact, he was the mover and shaker in the Congress in pointing out that we had 2 years of successive increases in violent crime in the country. He was the first one to point out that in the 1990s, the COPS, the Community Policing Cops on the Beat Program, was extremely effective in reducing that; and in large part, along with other Members, advocated and encouraged the committee to reactivate the COPS hiring program, and we've done that. We've done that with $100 million, which we think will fund approximately 2,700 policemen.

This is a down payment. This is an initiative, and the gentleman is to be commended for providing the impetus for that initiative. So I thank him. We look forward to working with him in future years. I know this is a program that, because of its proven effectiveness in the past, is going to get increasing attention in the future.

Mr. WEINER. Reclaiming my time, I thank you for your attention. And when you're in conference with the other body, if you can grab them by their institutional lapels and get them to move on our COPS throughout the Nation.

Mr. MOLLOHAN. We're going to be up to it.

Mr. WEINER. I appreciate it.

Mr. Chairman, I request unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $100,500,000, to remain available until expended, of which not less than $21,000,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement and homeland security missions, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $81,353,000, to remain available until September 30, 2009: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which, $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examination Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,260,872,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $74,708,000 including not to

exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $750,584,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, 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 (and estimated to be $139,000,000 in fiscal year 2008), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *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 $16,097,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,747,822,000: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee System, as authorized, $189,000,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That amounts deposited in the Fund in fiscal year 2008 in excess of $184,000,000, but not to exceed $231,899,000, shall be available until expended for the necessary expenses of the United States Trustee System as provided in section 589a(a) of title 28, United States Code: *Provided further,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,709,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $883,766,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended; and of which not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $2,451,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $9,000,000 is for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,794,000: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any such transfer shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from these appropriations may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $6,498,111,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security: *Provided,* That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $170,000 shall be available in 2008 for expenses associated with the celebration of the 100th anniversary of the Federal Bureau of Investigation.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 29, line 19, insert '', increased by $1,000,000 and decreased by $1,000,000,'' after ''$6,498, 111,000''.

Mr. KING of Iowa. Mr. Chairman, this is an amendment that I bring to the floor here reluctantly. It's an issue of conscience, and I think an issue of appropriate posture that this Congress should take.

We have been, throughout the course of some in the 108th, and many in the 109th, and now more issues coming up within the 110th Congress that have to do with questions about the propriety of some of our Members, both sides of the aisle, Republicans and Democrats. And we're well aware of some of those cases. In a number of those cases, it was a good thing for us to step above that and seek to improve the integrity of this body.

The public is aware, I believe, that there is an investigation that is underway. It has been taken up by the Department of Justice and published in

the New York Times, in the Wall Street Journal, and a number of other places, and the circumstances being that a former member of the Ethics Committee stepped down from the Ethics Committee to avoid the appearance of impropriety during an investigation. And yet, since that investigation began, the same Member has opted to step forward and take on the gavel of the very appropriations committee that deals with the funding of the investigation that's being conducted.

This was an issue that was a subject matter before the Judiciary Committee in hearings that brought our Attorney General Alberto Gonzales forward. And I asked the Attorney General, after the allegation was made by a majority member on the committee about impropriety of investigations or political intimidations on the part of the Department of Justice, I asked the Attorney General if he was intimidated. I said, ''The question I would ask,'' and this is quoting from the CONGRESSIONAL RECORD, ''to you is, Mr. Attorney General, if the chairman of the Justice Appropriations Committee happened to have been under that kind of scrutiny, would that affect the kind of prosecution that takes place out of your Justice Department with regard to that particular Member of Congress?''

The question has been raised, it's been raised by the national media, it's been raised before the Judiciary Committee, and it needs to be raised here on this floor while we deal with this issue of propriety. I make no allegations about guilt or innocence. I simply say that there is a huge question of impropriety when the chairman of justice approps has in one hand the gavel, and in the other hand the pursestrings that funds the very people that are conducting the investigation.

I bring this amendment forward to strike $1 million out and put $1 million in so that that $1 million can be used directly and exclusively for the investigation that's going forward and has been going on since December 2005. That's not swift and sure justice. That doesn't let this Member off the hook. He deserves an answer far more quickly from December 2005 until at least July of 2007.

All of those issues before us are raised and should be considered by this body. And I urge that the Members consider the reason that I reluctantly brought this amendment forward to take $1 million out and put $1 million, but to direct that that money be used to accelerate and complete the investigation that's underway now that casts such a shadow over this entire process, and particularly this appropriations process that's taking place before us here on the floor of Congress.

I think it's inappropriate. I think a decision should have been made by the Member. It has not been. That's why I have to bring this forward.

I urge the Members to support this amendment, and I intend to be able to review the RECORD that we expect to have on this amendment. So I would urge adoption of this amendment directing $1 million for the FBI to continue and accelerate their investigation so that they can either move forward to completion, or clear the individual who sits underneath this cloud.

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

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

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

Mr. OBEY. Mr. Chairman, it's obvious how reluctant the gentleman is to bring this before the body. He has offered an amendment which does absolutely nothing in order to give him an opportunity to talk about something he says he doesn't want to talk about. Only in Washington would that be believable.

Let me simply say that I think I know something about the Code of Ethics in this House. I wrote the Code of Ethics in this House in the 1970s, and I think I know something about what this House regards as a conflict of interest.

Let me simply point out that the gentleman from Iowa has objected to a Member of the House chairing a subcommittee which oversees the agencies that he says are involved in an investigation of that Member. The fact is that that gentleman in question has recused himself from all matters relating to the FBI, the Attorney General, the Criminal Division, and U.S. attorneys. That's why I am here on the floor handling those portions of the bill today.

The gentleman in question has not reviewed any reprogramming letters. He has not reviewed any Member requests for any of the attendant agencies involved in that investigation. He has not presided over any hearings. He has not participated or made any recommendations with respect to funding either on this bill or in the continuing resolution.

So let me simply say that if the gentleman has a strong view about what the House rules ought to be, then the proper place to take that up is not on an appropriation bill. The proper place for him to take that up is with the Standards Committee and with the leadership of both Houses. By taking it up here, it is simply an excuse to bring into question the actions of one Member. And it would be very easy for us to respond in kind with respect to the activities of a number of Members on that side of the aisle. We choose to stay above that and allow the proper committee to deal with the issue.

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

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

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I am disappointed by the introduction and consideration of this amendment.

I can attest to what the chairman of the full committee said about my colleague and friend recusing himself from any consideration. He has been absolutely scrupulous in terms of that regard.

I'm not a lawyer, but there are quite a number of lawyers here. Everyone under the law is entitled to due process. And I can't talk about how long this process has taken, but I have every confidence that justice will be served, and hopefully in an expeditious manner.

But I'm, indeed, sorry that this amendment has been brought to the floor. I think it is totally inappropriate. Obviously Members have a right to make motions of this kind.

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

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

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. As cochair of the Judiciary Appropriation Subcommittee, someone who has attended these hearings all the way through, I am disappointed by this because I think it calls into question every single member of this committee and the integrity of every single member of this committee in saying that you're calling into question the integrity of this committee and what we have done as a work product as a committee. This is not the product of one individual; this is a product of a committee. So I take great exception to this Member's amendment and the questions that he has raised here.

I stand behind this work product, as do the colleagues that I serve with on this committee, both Republicans and Democrats. I serve proudly with this chairman. And we've worked as a bipartisan committee, worked together on a bipartisan basis in order to produce a work product that meets the needs of the public, to meet the needs of the law enforcement community in this country, and, I might add, way over and above the President of the United States' request for law enforcement, way over and above the request for law enforcement that this administration has put forward.

So I might say that it is ironic that this amendment comes up, that under this chairman, this law enforcement has gone further and farther than it has, indeed, under many, many previous chairs of this committee.

□ 1630

For that reason, Mr. Chairman, I support today's mark and I ask my colleagues to do the same.

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

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

Mr. MOLLOHAN. Mr. Chairman, in this body, anyone has a right and an

opportunity, as the gentleman has taken advantage of, to raise whatever issue one wants. The gentleman raises an issue in the context of virtuousness and virtuosity. He raises a virtue issue here; he argues it from a premise of virtuosity.

I have no doubt that the gentleman is a good person and that the gentleman is a virtuous person. But I would suggest that the gentleman, number one, has expressed a greater knowledge about any investigation than I have. Perhaps he has inside knowledge about it. But I could not tell you actually if it exists, because I have never been approached with regard to it.

Number two, I would suggest that as the gentleman raises his point in the context of virtue, that he might want to be very cautious, because, as he says, he reluctantly does it, and he might want to be concerned about those who have raised this issue initially perhaps failing his test of virtue. I simply suggest that as a caution to him when he raises this kind of an issue in this context.

I could suggest that it is unworthy to raise it in this context because it is obviously ad hominem. But I am not going to go there. I would just suggest that the gentleman, as he contemplates this issue and as he raises a virtue question, that he satisfy himself in his own mind that those who have initiated and perpetrated this effort, that he contemplate the possibility that their motives are not pure and that they, in this instance, are not virtuous.

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

Mr. JORDAN of Ohio. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JORDAN of Ohio. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Ohio for coming to the floor and gaining some time to give me the ability to respond to the gentleman from West Virginia.

Mr. Chairman, I listened to his response. His response was measured. It was appropriate. But I didn't hear a response to the question about the intimidation factor and, in fact, the appearance of impropriety that the man holding the gavel is also holding the purse strings of the agency that is doing the investigation, according to the New York Times and the Wall Street Journal and a number of other publications across this country.

I think that is an appropriate question. I think this Congress has to ask that question. I think we have to answer that question. I had hoped that it would get asked and answered by the leadership on the majority side of the aisle. The leadership knew about this when they made the appointments to the Chairs of the committee.

So it is reluctantly that I bring this here. I wish that someone had stepped forward and taken this cup from me. But I can't cross this spot, which I recognize to be the Rubicon, knowing what I know, without raising the issue for the Members, to ask them to make a decision as well.

It is appropriate for any Member to raise an issue when it hasn't been properly dealt with by the leadership of this Congress. It is appropriate to lay facts out in front and debate those facts. It is not inappropriate to ask questions and ask for answers.

There is a lot more data here that I am aware of, but, factually, this is as far as I care to go with this issue. I want to ask the Members to make a decision. History will make a decision on this moment here on the floor of this Congress. Our decision is just temporary, but history will write this.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. 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 Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: ": *Provided further*, That not to exceed $16,000,000 shall be available for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation.".

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

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, distinguished Chair of the Appropriations Committee, I hope we can work this issue out. This is language that was agreed last year by both parties to take care of two, I think, very important fixes for the Federal Bureau of Investigation.

We have a segment of agents who are being punished, for lack of a better term, for not choosing to come back to Washington, DC. They have served their countries ably. They have served their tours as brick agents and worked the streets, and kicked in doors, and arrested drug dealers and mobsters, and gone after terrorists, and done all that hard work that we ask them to do every single day. Unselfishly, so, they have done it.

Through that course, they have decided to be supervisors and pick an area of expertise. In this particular case, they have picked a supervisory specialty that might be white collar crime, or it might be organized crime, or it might be counterterrorism or it might be foreign counterintelligence. That expertise allows them to lead these agents to better investigations.

In a new policy implemented by the FBI Director, these fairly senior agents, it asked them to step aside if they chose not to come back to Washington, D.C. Some of them had their kids in high school.

You can imagine being in Des Moines, Iowa, close to home, and you have got 18 or 19 years of Federal service, maybe they are former military before that. They have got lots of Federal service, looking to move on in a few years. That is a hard choice for them to make. In doing so, it cost them that added benefit to their pension for serving in a leadership capacity in the FBI.

So what we simply did is last summer worked out some language with the FBI Director that said we were not going to let these 200 or so agents be punished by this new policy. They deserved to have that pension at the rate of service which they have ably given their country. Again, this language was agreed to by both parties last year, but because this was a continuing resolution and it was dropped in conference, we did not have that opportunity to get this fixed.

The second part of that, which I can talk to in the second amendment, is also about a housing allowance that would allow agents, for the first time, like other Federal agencies working in major cities across the United States, to enjoy a housing allowance in these very high-cost areas, so that we can keep, retain and really say thank you to the hardest working FBI agents who are working to protect the homeland.

With that, I would hope that the chairman and I could work this through and try to find some conclusion to what we have already agreed to needs to get fixed for these people, who, by the way, have already been told their pensions will be fixed, and yet to this date have not.

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

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I must insist on my point of order.

Mr. Chairman, I certainly understand what the gentleman is trying to accomplish, and I probably agree with it. But, nonetheless, this committee is not the proper venue and this legislation is not the proper legislation upon which to raise the issue.

During the consideration of the Labor-H bill last week, I had to object to a number of amendments and lodge points of order because they were not appropriately offered to that bill, even though some of them were from my side of the aisle and I agreed with them.

This amendment, while I would certainly be happy to work with the gentleman, this amendment cannot be accepted by the committee without violating the rules of the House, and so therefore I make a point of order against the amendment because it provides an appropriation for a non-authorized program and therefore violates clause 2, rule XXI, which states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

The amendment proposes to appropriate funds for a program that is not authorized and therefore violates clause 2, rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. FRELINGHUYSEN. Mr. Chairman, first of all, let me thank Mr. ROGERS not only for his congressional service, but for his other life before he came to Congress. As I sort of said in my opening remarks, all of us on this floor salute the men and women who are special agents. They do dangerous work. The gentleman has been unstinting in terms of educating me as the new ranking member, you didn't have to do it to the other side, as to the sort of things that were discussed by Representatives WOLF, HOBSON and ROGERS.

We tried in our bill to give some direction and impetus to having these issues of retention up and out and housing allowance raised to a higher level of interest by the FBI Director. We are not going to stop that push.

The gentleman may or may not be successful with his amendments, but I am still committed, and I am sure the majority is, if there is something going on here that is unfair, promises haven't been kept, we are going to do our level best without authorizing on this bill to see that it is done.

I support the Chairman's point of order.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. ROGERS of Michigan. Yes, Mr. Chairman, I do.

Mr. Chairman, I thought this amendment was in order. But, in that vein, I thought I heard the chairman say that he would be willing to work with us maybe in conference and we could find some language that might be acceptable to the chairman where we could kind of conclude this deal that I think we all have agreed to in the past, that maybe we can work out that language in the conference.

Mr. Chairman, I just thank the gentleman for his willingness to sit down and work with us.

The CHAIRMAN. If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

The proponent of an item of appropriation carries a burden of persuasion on the question of whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT NO. 6 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: '': *Provided further*, That funds shall be available for annuity protection for Special Agents of the Federal Bureau of Investigation who had completed a total of 3 or more years in field supervisory positions as of June 3, 2004, who are subsequently transferred to positions at a lower grade because they chose not to accept transfers to equivalent or higher positions within the FBI pursuant to the Field Office Supervisory Term Limit Policy issued on that date, and are not subsequently reduced in grade or removed for performance or misconduct reasons. 'Average pay' for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the larger of (1) the amount to which such Agents are entitled under those provisions, or (2) the amount to which such Agents would have been entitled under those provisions had they remained in the field supervisory position at the same grade and step until the date of their retirement. This provision shall be retroactive to the date the Federal Breau of Investigation began implementing the policy.''.

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

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, just for the purpose of a very short colloquy, I think we established the two issues here that we are trying to get resolved, and I would again just ask the chairman if he would have that willingness to work with us and see if we couldn't find some language acceptable to the chairman to correct these two egregious items. These agents certainly shouldn't bear the brunt of any disagreement.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I think on this issue there are certainly questions of equity on both sides. I think they need to be resolved. I understand why the FBI wants to follow the policy that they follow. I also understand why agents themselves feel it is unfair leaving them with the reduced retirement possibility.

So, again, I would be happy to work with the gentleman to see if we can't persuade the agency to come up with an agreeable solution to the problem.

□ 1645

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $33,191,000, to remain available unitl expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,842,569,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2008: *Provided further*, That, beginning in fiscal year 2008 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of

the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution, or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent (1) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(1)(10) of such title), (2) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials, or (3) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 669, of which 642 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,171,440,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For the modernization, maintenance, and repair of buildings and facilities, including all necessary expenses incident thereto, by contract or force account, $95,003,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); $430,000,000, including amounts for administrative costs, to remain available until expended as follows:

(1) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $205,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, as amended by section 101 of the 2005 Act, of which—

(A) $20,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act, as amended by section 602 of the 2005 Act; and

(B) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(4) $63,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act, as amended by section 102 of the 2005 Act;

(5) $10,000,000 for sexual assault victims assistance, as authorized by section 202 of the 2005 Act;

(6) $40,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act, as amended by section 203 of the 2005 Act;

(7) $6,000,000 for training programs as authorized by section 40152 of the 1994 Act, as amended by section 108 of the 2005 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act, as amended by section 109 of the 2005 Act;

(9) $10,000,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $40,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act, as amended by section 103 of the 2005 Act;

(11) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act, as amended by section 205 of the 2005 Act;

(12) $15,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act, as amended by section 306 of the 2005 Act;

(13) $8,000,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act, as amended by section 204 of the 2005 Act; and

(14) $10,000,000 for an engaging men and youth in prevention program, as authorized by the 2005 Act.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 38, line 20, after the dollar amount insert ''(increased by $10,000,000)''.

Page 39, line 22, after the dollar amount insert ''(increased by $10,000,000)''.

Page 66, line 7, after the dollar amount insert ''(reduced by $10,000,000)''.

Mrs. CAPITO. Mr. Chairman, I would like to begin, first of all, by thanking the chairman of the subcommittee and the ranking member for their good, hard work on this bill. They are very dedicated to seeing that we spend our taxpayers' dollars wisely.

Today I rise to offer an amendment to help break the cycle of violence against women, especially those living in the rural areas. We are facing an epidemic in this country. Sexual and domestic violence can happen to anyone, regardless of race, age, sexual orientation, religion or gender. One in four women will experience domestic violence during her lifetime. It is a frightening statistic, I think.

To be safe in their communities, women need to be safe in their own homes. Of the over 12,000 domestic violence victims reported in my State of West Virginia in 2005, a total of over 8,600, or 68 percent, were victims of intimate partner violence. What used to be called a ''family matter'' is now a crime. The Violence Against Women Act was much-needed landmark legislation that helped transform the perception of domestic abuse as a serious crime and created programs to increase access to services for women and victims.

My amendment builds on the successes of the last decade and prevents more women from suffering in silence. Victims of domestic violence and sexual assault in rural and remote communities face unique obstacles in their efforts to escape abusive and dangerous relationships. The geographic isolation, economic structure, and particularly strong cultural pressures and social pressures, and lack of available resources in rural jurisdictions significantly compound the problems confronted by those seeking support and services. Nonreporting of sexual assault in rural areas is a particular problem.

Other barriers to domestic violence and sexual assault intervention in rural communities may include gaps in the 911 emergency system that may delay responses, underfunded and understaffed law enforcement agencies that hamper the criminal justice response, and lack of legal representation for protective orders and other civil matters pertaining to domestic violence.

Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Grants fund cooperative efforts between law enforcement, prosecutors, and victim services. They provide treatment, counseling and assistance to victims, and work with rural communities to develop education and prevention strategies.

Last year Congress funded this program with $38.8 million. The committee's recommended funding level for this year amounts to only a $1.2 million increase over last year's appropriations for the Rural Domestic Violence Grants program.

Meanwhile, the National Science Foundation Agency Operations and Award Management line item, which was the old salary and expense line item, stands to receive $285.59 million. This amounts to an increase of over $37 million, or 13 percent.

My amendment would boost funding for the Rural Domestic Violence and Child Abuse Enforcement Assistance Grants by $10 million without costing the taxpayers additional money.

I ask my colleagues to join me in support of this important amendment to help provide victims with the protection and services in the rural areas they need to pursue safe and healthy lives while simultaneously enabling communities to hold offenders accountable for their violence.

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

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

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

Mr. MOLLOHAN. Mr. Chairman, the gentlelady offers an amendment to one of the grant programs in the Violence Against Women Office of the U.S. Department of Justice. To give a little bit of context to the amendment, the Office of Violence Against Women was funded in fiscal year 2007 at $382.571 million. The President requested $370 million, about $12.5 million less than was funded in 2007. So the President's request for the office was decreased. He requested less money than was appropriated last year.

In addition to that, the President wanted to eliminate all of the grant programs, including the one that the gentlelady seeks today to increase funding for specifically. The subcommittee increased funding over the President's request by $60 million. So the subcommittee looked at the Violence Against Women Office and looked at the scourge that office addresses and fights every day and the programs that the office administers, and we said not only do we need to increase the President's request from last year's level, we need to increase this program above the President's request, and we did by $60 million. We also rejected the President's request to eliminate all of the grant programs under Violence Against Women. We retained those grant programs and those categories, and then we funded each and every one of them handsomely.

So the request before us today, or the recommendation of the committee before the body today, increases over Fiscal Year 2007 funding by $47 million, over the President's request by $60 million. As for the grant program that the gentlelady offers an amendment to, we fund it at $40 million, which is 100 percent over the President's request, because he wanted to eliminate that program, and 3 percent over the 2007 funding.

Now, there is no question that the Office of Violence Against Women deserves adequate funding. That is why we funded it at $60 million over the President's request. It enjoys a privileged position on our committee. Chairwoman DELAURO is aggressive in her leadership on this issue as is every member of our subcommittee. The Rural Domestic Violence Assistance Grants have been funded at $40 million and are extremely proud of that funding level.

The gentlelady looks for her offset in the National Science Foundation, the premier research and development agency in the United States Government. It offers peer-reviewed granting; it looks at education programs; it looks at research programs, cutting-edge, transformational research, the research that we rely upon in order to ensure our competitiveness in the arena and also lay a foundation for our competitiveness in the global economic marketplace.

Don't make any mistake about it, everyone who has testified before our committee agrees the National Science Foundation is not only an economic security issue, it is a national security issue, and it is not the place where we ought to be taking funding. There is a recognition that we need to double the funding for the National Science Foundation, and that is the track we are on with the level of funding in this bill. We should not, and hopefully we won't, reduce funding to the National Science Foundation by $10 million. That would knock us off of the track.

To summarize, Mr. Chairman, funding in the Violence Against Women programs is robust: $60 million above the President's request. The particular grant programs, one of which the gentlelady addresses, each have been retained, and each of those grant programs has been funded robustly.

So, like every other account in this bill, we could use additional money, and if the budget resolutions that the minority would vote for would allow us additional money, we would be pleased to look at increasing funding for violence against women programs.

But given our allocation, and given the priorities and the conflicting demands in the bill, and given the importance of the National Science Foundation and the robust nature of our funding for violence against women, I must oppose the gentlelady's amendment.

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

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

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

Mr. BAIRD. I have great respect for the gentlelady's intent here. As a clinical psychologist before entering this body, I worked with victims of domestic violence and have been a strong advocate for the Violence Against Women

Act and other things to support victims of domestic violence.

The challenge I face here, and I think we all face, is that this is not a good offset. As Chair of the Research and Education Subcommittee of the Science Committee, I have met extensively with the National Science Foundation, and I will tell you that they are already substantially overstretched in their ability to manage the numbers of grant applications and oversee the grants that are already being administered.

The President himself has asked for a substantial increase in funding for the National Science Foundation. That has broad bipartisan support within this body and within the other body.

If we were to cut the management funds, as this proposes, we would dramatically impair the NSF's ability to manage that increase; indeed, to manage their current workload.

I have met with the people managing the grant process at the NSF. I have met with the applicants, and we have spent extensive time on this in our subcommittee. While I support the intent of trying to provide more funding for violence against women, this is not the way to do it.

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. I would like to read very briefly from the agency operation and award management section because I agree with you. I was a science major in college. I am very dedicated to the forward-leaning research and development that NSF has provided.

But in this particular account, this is for agency operations and award management necessary in carrying out the National Science Foundation Act, services authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, not to exceed $9,000 for official reception and representation expenses, uniforms or allowances therefor, rental of conference rooms in the District of Columbia, and reimbursement for security guard services.

I tried to look for an area that would not harm research or researchers or the dedicated folks that are working on forward-leaning and futuristic advances for our Nation. I am very concerned about domestic violence in the rural area, and that is why I pinpointed this particular area.

Mr. BAIRD. I appreciate that. I understand you have done that, and I respect the diligence here.

The challenge they face is they are literally bursting at the seams. They do not have office space, sufficient computer architecture, they do not have sufficient personnel. I can't vouch, and it would be foolish for any of us to try to line-item or justify each and every expense, but I can tell you what they have told me is they lack the space.

If you are finding items for conference room rentals for meetings, that is perfectly understandable to me that when you have people coming back to have meetings, you may occasionally need additional space.

My bottom line here is this is an agency that I think by and large gives a very strong return on investment for the government and for the taxpayers, and a $10 million cut to an administrative fund for an agency that already tells us they lack adequate resources I think is excessive.

I am sorry, I am going to have to say we should defeat this amendment and try to find other ways. As the distinguished gentleman mentioned earlier, we have already seen substantial investments in this area over and above the President's request as far as the area of violence against women.

□ 1700

I would just encourage the gentlelady to say well done to the Democratic majority for adding to this relative to what the President offered.

But I would urge my colleagues, and I can tell you personally from having met with and visited with NSF administration, they do not feel, and my understanding, they can sustain a $10 million cut to any portion of their budget. But the administration portion is what enables them to manage the grants, to manage the research that this country's future and domestic security and economic competitiveness depends on.

So I'd urge defeat of this well-intentioned amendment with unfortunately an undesirable offset.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FATTAH) having assumed the Chair, Mr. SNYDER, 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3093

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3093 pursuant to House Resolution 562, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that reduced-time voting in the Committee of the Whole may span the intervention of a rising of the Committee for the administration of the oath of office to a Representative-elect in the House.

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

There was no objection.

The SPEAKER pro tempore. Members are advised that the 2-minute voting authority just granted may be applied to questions already postponed.

APPOINTMENT OF CONFEREES ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

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

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oberstar, Ms. Eddie Bernice Johnson of Texas, Mrs. Tauscher, Messrs. Baird, Higgins, Mitchell, Kagen, McNerney, Mica, Duncan, Ehlers, Baker, Brown of South Carolina, and Boozman.

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill, and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Mr. Rahall, Mrs. Napolitano, and Mrs. McMorris Rodgers.

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 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. 3093.

□ 1705

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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (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