

law accompanied by the signing statements if any provision of the act is violated.

Because it's critical that we preserve the division of power in our government and public understanding of our Nation's laws, I hope many of my colleagues will consider cosigning the Presidential Signing Statements Act.

I look forward to next week's House Judiciary Committee hearing, and the opportunity to further discuss why this legislation is a much-needed piece of legislation.

Before I close, I ask God to please bless our men and women in uniform in Afghanistan and Iraq, and ask God to please bless the families of our men and women in uniform, and ask God to continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### IT'S TIME TO PASS A FEDERAL MEDIA SHIELD LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, the Constitution of the United States provides that Congress shall make no law abridging the freedom of speech or of the press. These two rights form the bedrock of our democracy by ensuring the free flow of information to the American people.

Sadly, today, the free and independent press in America is under fire. In recent years, more than 40 journalists have been subpoenaed, questioned or held in contempt for failure to reveal their confidential sources.

For a journalist, maintaining an assurance of confidentiality to a source is sometimes the only way to bring forward news of great consequence to the Nation. Being forced to reveal a source chills reporting of the news, and, thereby, restricts the free flow of information to the public.

Now, not long ago, a reporter's assurance of confidentiality was unquestioned. That assurance led to sources that willingly provided information to journalists who brought forward news of enormous consequence to the Nation. One thinks of Watergate, recent stories of misfeasance at Walter Reed Army medical center, and even the abuse of steroids in major league baseball.

All of these stories never would have come to the light, stories great and small, were it not for confidential sources and the dogged persistence of a free and independent press. As a conservative who believes in a limited government, I believe the only check on government power in real time is a free and independent press.

A free press ensures the flow of information to the public, and in this time of scandals and rumors of scandals and corruption in high places, such information is needed now more than ever to hold those in power to account. In order to maintain our free and independent press, I authored the Free Flow of Information Act with Congressman RICK BOUCHER of Virginia several years ago. This bill is also known as a Federal media shield statute. It provides a qualified privilege of confidentiality to journalists, which enables them to shield sources from disclosure in certain situations.

Now, the bill is not about protecting reporters, it's about protecting the public's right to know. We introduced the bill in May of 2007, and on October 16 of last year, it passed in this House of Representatives by an overwhelming and bipartisan margin of 398-21. I was especially pleased to earn the support of Republican and Democratic leadership, the chairman and ranking members of the Intelligence and Armed Services Committee, and many other leaders throughout the House of Representatives.

The bill received wide bipartisan support because of measures we added to specifically address very real and legitimate concerns about how a privilege for journalists could impact national security. The Federal Government, as we know, is tasked with a tremendous responsibility of protecting the Nation. We must always put national security in the forefront of our consideration.

The Free Flow of Information Act does just that. Well, with news that the United States Senate may be taking up a version of this legislation as soon as next week, I wanted to rise to speak about the bill and what some of its critics may say.

Critics of the bill will point always to concerns about national security. But our version of the bill only provides a qualified privilege, meaning that disclosure of a source's identity may be required in certain situations. The foremost of those situations, of course, is when the Nation's security is placed at risk. The bill permits compelled disclosure to prevent or identify the perpetrator of an act of terrorism against the United States or its allies, to prevent significant or specified harm to national security, or, in cases that involved the unauthorized disclosure of classified information that caused or will cause significant or articulable harm to national security. In such cases, a judge will be able to determine whether the public interest, in compelling disclosure of a source, outweighs the public interest in gathering or disseminating news or information.

Overall, I sincerely believe the bill strikes a reasonable balance between the public's right to know and the fair administration of justice. In striking that balance, the version of the legislation that passed this House puts national security first.

Long ago Thomas Jefferson warned, "Our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it." Jefferson's words hold true today.

The passage of the Free Flow of Information Act in this Congress is necessary not only to explicitly and fully provide for the freedom and press of our Nation, but also to protect our liberty for future generations of Americans. With the extraordinary bipartisan support of my colleagues in the House of Representatives, and support in the United States Senate, which includes both major party candidates for President of the United States, it is my hope that the United States Senate will take up the Free Flow of Information Act and report it next week with a strong bipartisan affirmation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### WHERE IS THE HOUSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, here we are, Thursday afternoon, 3:58 p.m. All across the Nation, the day shift is ending, or about to end. Folks getting ready for the afternoon shift. Other folks that work the night shift are either just waking up or just going to sleep to get prepared for another day, another day of work.

Where is the House? The House has gone home, Thursday afternoon, and the House has gone home, not to return until next Tuesday. What didn't we do this week, like we didn't do last week, and the week before, and the week before, we didn't address the number one issue on the minds of Americans and hurting the American pocketbook, and that's the issue of gas prices, didn't address it, nothing.

□ 1600

Now, the majority will tell you that they brought to the floor a drill bill. What they brought to the floor today, Mr. Speaker, cynically, was what they called a drill bill. In fact, it was really just a "no energy" energy bill.

Why do I say that? Well, the bill had eight sections. Six sections are either current law or are clerical. Current law: No new energy. One of the sections mandated project labor agreements that would increase the construction costs of Alaskan pipelines by as much as 30 percent. Increasing costs: No new energy. The final section would increase the bureaucracy and the red tape for any new energy production. It didn't open any exploration onshore. It

didn't open any exploration offshore. Increasing costs: No new energy.

Now, what is the solution? Well, the solution is what the American people know, and that is that it's a broad array of items. It's conservation. Americans are doing an incredible job of trying to conserve. We're using less energy than we did last year. Conservation is the key, and we can all do more. It's finding alternative fuel, that fuel that will allow the 21st century to be an American energy 21st century. That will take a little while.

So, in the near term, in the short term, what's the solution? Mr. Speaker, you know what it is. It's what your constituents tell you about. It's increasing supply. It is increasing the supply of energy, American energy for Americans. How do you do that? America has incredible resources.

Onshore resources: We ought to be doing more exploration. We're only using 6 percent of the eligible land to be leased to find American energy for Americans onshore.

Offshore: Deep-sea exploration. The vast majority of Americans support environmentally sensitive and sound deep-sea exploration. We ought to be doing that. Only 3 percent of the available territory is being utilized currently.

Utilizing clean coal technology: We now have technology available that allows us to use coal of which America is, remarkably, the world's greatest repository of coal in the world, and we ought to be using that for clean coal technology.

Oil shale, which exists in our western area: There are more than 2 trillion barrels of oil that could be extracted from oil shale in environmentally sensitive and sound ways.

Mr. Speaker, as you know, we're doing none of that. Now, it's not because there isn't legislation for it. In fact, we have bills right here at the desk: H.R. 3089, the No More Excuses Energy Act; H.R. 2279, the Expand American Refining Capacity Act; H.R. 5656, to Repeal the Ban on Acquiring Alternative Fuels; H.R. 2208, the Coal Liquid Fuel Act. All sorts of bills exist. They exist, but we aren't allowed a vote.

As you know, the majority party, the Democrat leadership, beholden to leftist individuals, will not allow a vote on the floor of the House. All we're asking is for a vote. We're not asking for a guaranteed outcome, just a vote. Give us a vote, Mr. Speaker. Why not? What are you afraid of? Why not have a vote? Why not respond to the demand of the American people and increase American energy for Americans? Bring down gas prices. We demand a vote. We hope that next week we'll see it.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

(Mr. McCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### FUNDING THE NATIONAL INSTITUTE FOR HOMETOWN SECURITY BY EARMARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, I rise today to highlight an earmark in the fiscal 2009 Department of Homeland Security appropriations bill. Now, the reason I'm having to do this is that it looks like we won't even be considering this bill on the floor, and therefore, it may be that all of the earmarks, the hundreds of earmarks that were approved in the committee for that bill, may be dumped into the bill, just air-dropped into the bill, at the last minute without even being considered by the House. That's simply not right.

This earmark is for the Kentucky-based National Institute for Hometown Security. When I came across this earmark, I was surprised at the dollar amount. In fact, it was the second largest earmark requested by an individual in the Department of Homeland Security appropriations bill. Now, I would submit that spending like this pushes the Federal Treasury threat level past orange, or high risk, right into the red zone, or severe category.

According to the Web site of the earmark recipient, the institute sponsor suggested organizing the higher education institutions of Kentucky to more effectively compete for research funds and projects aimed at improving homeland security. It appears that the purpose of the consortium and of the institute is to make Kentucky better at receiving Federal funds, arguably an admirable purpose. It's simply too bad that it's paid for with Federal funds.

The institute goes on to say that the institute is designed to help develop new technologies and devices that commercialize them. Now, with taxpayers shouldering over \$5 trillion in Federal debt, why do we need to fund programs for the benefit of commercializing products?

This institute was created in 2004. According to the Department of Homeland Security, the agency which is charged with overseeing this, the Department has never requested funds for the National Institute for Hometown Security. Why are we doing this through an earmark?

I must ask the question: Would this institute exist in the first place if select members of a powerful committee did not direct the spending for it?

Since receiving its first earmark, the institute has received more than \$60 million in Federal earmarks, including \$12 million in 2005, \$20 million in 2006, \$20 million in 2007, \$11 million in 2008. If this earmark is approved, the institute will have received \$74 million in earmark funding. For what? What has

the center produced or achieved that can possibly be worth this kind of money? Will we continue to earmark for this institute indefinitely?

I am certain, if I had the opportunity to challenge this earmark on the House floor during regular order, the sponsor might be glad to highlight what he believes the institute's achievements are. My response would simply be: If this institute is so important, if it's so needed for the Department of Homeland Security, why do you have to earmark funding for it? Why doesn't the Department seek its own funding and say this is a vital institute? "We ought to provide funding within the budget. We're going to request it." No. The money has to be earmarked by an appropriator.

In 2005, a Washington Post story provided details on the institute. It indicated that the sponsor of the earmark has, as a senior appropriator, "encouraged contractors to move into his district and has announced millions of dollars in antiterrorism research at Kentucky colleges and universities."

That same article highlighted the sponsor's having taken credit for \$206 million in homeland security research-related funding for the State. The Post article indicated: "So much Federal money for high-tech homeland security projects has flowed to southeastern Kentucky, that those who are there have taken to calling it 'Silicon Holler' with the institute and the university consortium at the heart of it."

I would submit that handling this funding in any other way than through earmarks might put a damper on what appears to be a spoil system where certain powerful Members are able to shower their districts with taxpayer dollars. If we had regular order and a regular authorization-appropriation oversight process, we wouldn't be earmarking funds like this.

I would inquire also as to what, if any, oversight the Appropriations Committee has undertaken to ensure that the \$60 million that has already been given to the institute was worthwhile and why an additional \$11 million is warranted.

I would submit also that, when taxpayers send their dollars to Washington, they expect more than an earmarking system that is absent real oversight and that seems to just give the keys to the Treasury to a few powerful appropriators.

Mr. Speaker, I will soon be circulating a letter to Speaker PELOSI and to the chairman of the Appropriations Committee, Mr. OBEY, asking them to ensure that if we don't have regular order and if we don't go through the appropriations process that we not air-drop earmarks into an omnibus bill when this body has not had a chance to even see them, let alone to adequately vet them.

I urge my colleagues to do better with the taxpayers' money. We should be better stewards. We have a time-honored process in this body of authorization, appropriation and oversight