

strips local government of the right to have a say in whether or not we site facilities of this type within areas. This is an effort on our part to assert some local control. Every elected official on both sides of the aisle that has responsibility for this region opposes this facility, as does the vast majority of the population.

With that, I would like to yield the balance of my time to my friend from Connecticut, Congresswoman  
DELAURO.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 1 minute.

Ms. DELAURO. I thank the gentleman and applaud his leadership.

Remote areas, 11 miles off the coast of Connecticut, 9 miles off the coast of New York. The LNG Broadwater facility, actually, the proposal, is a vessel roughly the size of the Queen Mary. One week after passing the interior bill which dedicated \$1.8 million to cleaning up the Long Island Sound, we are now going to place this vessel in the Long Island Sound. Also, a 25-mile pipeline through the middle of what is prime ground for lobstering and for fishing. Further, the entrance to the sound might need to be temporarily closed when the LNG shipments arrive every few days, disrupting all other commerce that uses that passage.

We are going to ask the Coast Guard to enforce the zone. They are already stretched thin, but they are going to have to patrol the LNG site, which will pose a new security risk.

I will conclude by saying to you that we voted to protect the Long Island Sound and, without this amendment, who knows what other estuaries of national significance will be at risk of becoming our next industrial zone.

Support the Bishop amendment.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBSON. May I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 3 minutes remaining.

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

I want to thank the gentleman from New York (Mr. BISHOP) for his nice comments, but, unfortunately, I have to oppose his amendment at this time.

This amendment, the problem that I have, and I understand your concern, but this would preclude FERC from going forward with its review of the Broadwater Liquefied Natural Gas project on Long Island. This proposed project is the only floating storage and regasification unit that is pending before the commission. This amendment undoes the Natural Gas Act for orderly review and decision-making process for energy infrastructure and limits energy development efforts. Further, the amendment restricts the ability of any company to use a fairly novel technological approach to siting LNG away from populated areas.

I understand that 9 miles to you is not very far and 11 miles is not far to you. But I think that is what we have this system for, is to allow the system to be fairly looked at and make a determination if they agree. Frankly, all FERC authorizations are still subject to judicial review.

I understand the concerns that people have here. There is always the NIMB effect in everything as we look around, and I understand that. But I think the best course of action is allow FERC to consider the application and consider public comments, issue the orders that are best in the public interest, and if people disagree with that, there are still courses open to them. But to start this sort of process in this bill, I think, is inappropriate.

I would have to oppose the amendment at this time.

I yield back the balance of my time.

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

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

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

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

Mr. HOBSON. 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. LATHAM) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5037. An act to amend title's 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5429, AMERICAN-MADE ENERGY AND GOOD JOBS ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-480) on the resolution (H. Res. 835) providing for

consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-481) on the resolution (H. Res. 836) providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 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. 5427.

□ 1812

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. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MCHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. BISHOP) had been postponed and the bill had been read through page 47, line 2.

AMENDMENT OFFERED BY MR. LYNCH

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LYNCH:

Page 47, after line 2, insert the following:

SEC. 503. (a) The Secretary of Energy, in cooperation with appropriate public and private entities, shall develop a plan to respond to potential disruptions in worldwide oil and natural gas production. Such plan shall include—

(1) identifying and assessing all threats to current oil and natural gas supplies that would result in a disruption of greater than 5 percent of the current oil and gas supply;

(2) formulating contingencies for acquiring, diverting, or reallocating available oil and gas supplies to mitigate disruptions to United States security and economic stability; and

(3) formulating a plan for allocating available resources in the event that rationing becomes necessary.

(b)(1) Within 90 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Energy and Commerce a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

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

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, my amendment simply asks that the Energy Department develop a plan to respond to potential disruptions in worldwide oil and natural gas production and distribution.

Throughout the last year, we have witnessed a 38 percent spike in the price of crude oil and concurrently a sharp rise in the average cost of gasoline to American families, reaching over \$3 a gallon. In recent weeks, crude oil prices have risen to over \$70 a barrel.

Among the chief factors that have been cited in the cause of the recent spike has been increased worldwide consumption and demand as countries such as China and India have experienced significant economic growth. China alone over the past 4 years is responsible for 40 percent of new demand around the globe.

However, it is the United States that remains the world's leading oil consumer, consuming over 20 million barrels a day, while producing only about 7 million barrels a day. Notably, our high oil consumption, coupled with the weakened reserve position, means that the United States for the most part will continue to rely on world markets for its crude oil supply. Currently, 70 percent of U.S. oil consumption is projected to be satisfied by imports of crude oil and petroleum products by the year 2025.

□ 1815

Regrettably, our growing dependence on foreign oil not only poses a substantial risk to our economic security but may also serve to compromise the effectiveness of American foreign policy, as high domestic demand leaves the

United States susceptible to the threat of hostile oil-related political reactions by foreign governments in oil-producing countries.

Iran, for example, is the second largest producer within OPEC and has repeatedly issued thinly veiled supply interruption threats in response to our efforts to curb that country's uranium enrichment program. In Venezuela, President Hugo Chavez, whose country is the United States' fifth largest source of crude imports, has asserted the possibility of retaliatory actions stemming from his opposition to U.S. policy.

It is clear that our overall economy is severely impacted by the spikes in crude oil and the prices of gasoline. The growing uncertainty of the oil reserves available to the United States is also greatly called into question. As long as we as a Nation continue our addiction to foreign oil, we will be beholden to the actions of these rogue states.

Last week, in a Government Reform Subcommittee, we heard the Under Secretary of Energy say that in the event of any disruption of any of these major players around the globe that supply us with oil and natural gas, we would have to immediately go to the U.S. Strategic Petroleum Reserve to satisfy any shortage. That is not a good long-term solution.

We have had threats in the past. We had Arab oil embargoes in this country back in 1973, and we had a plan in place to deal with that shortage. Right now, according to the Secretary of the Energy Department, we have no surplus reserves. We have no untapped reserves in the event of a shortage.

This amendment would call on the Energy Department to develop such a plan to deal with these contingencies, to deal with reallocations and to deal with the crisis that would develop in the event that any of these countries discontinued their supply of oil to the United States.

Mr. Chairman, I realize that you can only do so much in any one bill, and I thank the chairman and the ranking member for all their good work on this bill, but this is something that needs to happen, and I just ask the chairman and the ranking member to work with me to force the Department of Energy to develop this plan.

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

POINT OF ORDER

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

The rule states, in pertinent part: An amendment to a general appropriations bill shall not be in order if it changes existing law.

The amendment gives affirmative direction, in effect, and, therefore, is legislation on an appropriations bill.

I ask for a ruling of the Chair.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman makes a point of order against the amendment.

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

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

The Acting CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment.

Hearing no objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. ENGEL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

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

SEC. \_\_\_\_ None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

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

The Chair recognizes the gentleman from New York.

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

I will be brief and submit most of my statement for the record, but essentially this is the same language that was adopted yesterday on the agriculture appropriations bill.

Basically, it is a reminder to the agencies that Congress has created and that Congress continues to fund that they need to follow the laws that Congress enacts. A law was enacted in 1992 which stated that, by 1999, 75 percent of the new vehicles acquired must be alternative-fuel vehicles. We aren't even close to 75 percent.

So this is something that I believe that all Departments should do. The Department of Energy purchased 1,724 cars last year, of which 927 were gasoline powered, meaning that 47 percent were alternative. That is nowhere near the 75 percent.

Again, I will submit most of this for the RECORD, but my amendment would mandate they essentially follow congressional law and get the purchase of alternative-fuel vehicles up to 75 percent.

Mr. Chairman, President Bush was right to say we are addicted to oil. But now we in Congress need to take action. We need to take this action because it is in the interest of our national security.

We need bold action to end this addiction. We need ethanol—not as an additive but as a full fledged alternative.

I believe we need to get a more flexible fuel vehicle on the road. And, I believe we should use the purchasing power of the Federal Government to pursue this.

Now some may not like the Federal Government interfering in markets. To this I would respond, this is about national security and that

is the Federal Government's responsibility. And with the war on terror, we must look at all options—not just putting our military overseas but what we can do right here at home.

Some might not like the Federal Government interfering with consumer's choices. To this I would respond that the U.S. Government is the largest consumer of goods and services on the planet. And to meet our responsibility to protect the American people, we have to take this step toward weaning ourselves from foreign oil.

Furthermore, Congress has already spoken on this issue, however the Administrations—both Democratic and Republican Administrations—have failed to comply.

Let's take this first step and use the Federal Government's purchasing power to make alternative fuels a reality.

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

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

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

Mr. HOBSON. I will accept the time and will just say that I accept the gentleman's amendment and, therefore, yield back any time that I may have.

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

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. DEAL of Georgia.

Amendment by Mr. MARKEY of Massachusetts.

Amendment by Ms. DELAURO of Connecticut.

Amendment by Mr. ANDREWS of New Jersey.

Amendment by Ms. BERKLEY of Nevada.

Amendment by Mr. MARKEY of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. DEAL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes—201, answered “present” 6, not voting 9, as follows:

[Roll No. 196]

AYES—216

Ackerman	Gutknecht	Obey
Allen	Hall	Olver
Andrews	Hart	Pascrell
Baca	Hastings (WA)	Payne
Baird	Hayworth	Pelosi
Baldwin	Hensarling	Pence
Barrett (SC)	Higgins	Peterson (MN)
Barrow	Hinchee	Peterson (PA)
Bartlett (MD)	Hoekstra	Petri
Barton (TX)	Holden	Pickering
Bass	Honda	Pitts
Beauprez	Hooley	Platts
Becerra	Hoyer	Poe
Bishop (GA)	Hyde	Price (GA)
Bishop (NY)	Inglis (SC)	Price (NC)
Blackburn	Israel	Price (OH)
Blumenauer	Issa	Ramstad
Boehner	Jackson (IL)	Rangel
Bono	Jackson-Lee	Reichert
Boren	(TX)	Renzi
Boswell	Jefferson	Rogers (MI)
Boustany	Johnson, E. B.	Rohrabacher
Bradley (NH)	Jones (NC)	Rothman
Brady (PA)	Jones (OH)	Ruppersberger
Burgess	Kildee	Rush
Butterfield	Kilpatrick (MI)	Ryan (OH)
Buyer	Kind	Ryan (WI)
Calvert	King (IA)	Salazar
Capito	Kingston	Sanchez, Loretta
Capuano	Kirk	Sanders
Cardin	Kline	Schakowsky
Cardoza	Kolbe	Schwarz (MI)
Carnahan	Langevin	Scott (GA)
Carson	Lantos	Scott (VA)
Case	Larsen (WA)	Serrano
Clay	Larson (CT)	Sessions
Cleaver	Latham	Shadegg
Cole (OK)	Leach	Shays
Conaway	Lee	Sherman
Conyers	Levin	Sherwood
Cooper	Lewis (GA)	Shimkus
Costa	Lipinski	Shuster
Costello	Lofgren, Zoe	Simpson
Crowley	Lowe	Smith (TX)
Culberson	Lynch	Sodrel
Cummings	Maloney	Solis
Davis (CA)	Manzullo	Souder
Davis (IL)	Marchant	Spratt
Deal (GA)	Markey	Stark
DeFazio	Marshall	Strickland
Delahunt	Matheson	Sullivan
DeLauro	McCaul (TX)	McCollum (MN)
Dent	McCormack	McDermott
Dingell	McDermott	McGovern
Drake	McHenry	McKeon
Duncan	McKeon	McKinney
Emanuel	McKinney	McMorris
English (PA)	McMorris	McNulty
Eshoo	McNulty	Meehan
Fattah	Meehan	Meek (FL)
Ford	Meek (FL)	Meeks (NY)
Fox	Meeks (NY)	Melancon
Frank (MA)	Melancon	Miller (NC)
Franks (AZ)	Miller (NC)	Miller, Gary
Garrett (NJ)	Miller, Gary	Miller, George
Gillmor	Miller, George	Moore (WI)
Gingrey	Moore (WI)	Murphy
Gohmert	Murphy	Myrick
Gonzalez	Murphy	Neugebauer
Gordon	Myrick	Norwood
Green (WI)	Neugebauer	Oberstar
Grijalva	Norwood	
Gutierrez	Oberstar	

NOES—201

Abercrombie	Brown (OH)	Cuellar
Aderholt	Brown (SC)	Davis (AL)
Akin	Brown, Corrine	Davis (FL)
Alexander	Brown-Waite,	Davis (TN)
Bachus	Ginny	Davis, Jo Ann
Baker	Burton (IN)	Davis, Tom
Bean	Camp (MI)	DeLay
Berkley	Campbell (CA)	Diaz-Balart, L.
Berman	Cannon	Diaz-Balart, M.
Berry	Cantor	Dicks
Biggart	Capps	Doggett
Bilirakis	Carter	Doolittle
Bishop (UT)	Castle	Doyle
Blunt	Chabot	Dreier
Boehlert	Chandler	Edwards
Bonilla	Chocola	Ehlers
Bonner	Clyburn	Emerson
Boozman	Coble	Engel
Boucher	Cramer	Etheridge
Boyd	Crenshaw	Everett
Brady (TX)	Cubin	Farr

Feeney	Lungren, Daniel	Rogers (KY)
Ferguson	E.	Ros-Lehtinen
Flake	Mack	Ross
Foley	Matsui	Roybal-Allard
Forbes	McCarthy	Royce
Fortenberry	McCotter	Ryun (KS)
Fossella	McCrery	Sabo
Frelinghuysen	McHugh	Sánchez, Linda
Gallegly	McIntyre	T.
Gibbons	Mica	Saxton
Gilchrest	Michaud	Schiff
Goode	Millender-	Schmidt
Goodlatte	McDonald	Schwartz (PA)
Granger	Miller (FL)	Sensenbrenner
Graves	Miller (MI)	Shaw
Green, Al	Mollohan	Simmons
Green, Gene	Moore (KS)	Slaughter
Harman	Moran (KS)	Smith (NJ)
Harris	Moran (VA)	Smith (WA)
Hastings (FL)	Murtha	Stearns
Hefley	Musgrave	Stupak
Herger	Nadler	Sweeney
Herseth	Napolitano	Tanner
Hinojosa	Neal (MA)	Taylor (MS)
Hobson	Ney	Taylor (NC)
Holt	Northup	Terry
Hostettler	Nunes	Thomas
Hulshof	Nussle	Thornberry
Hunter	Ortiz	Tiahrt
Inslee	Osborne	Tiberti
Istook	Otter	Turner
Jindal	Owens	Udall (CO)
Johnson (CT)	Oxley	Udall (NM)
Johnson (IL)	Pallone	Visclosky
Johnson, Sam	Pastor	Walden (OR)
Kanjorski	Paul	Walsh
Kaptur	Pearce	Wasserman
Keller	Pombo	Schultz
Kelly	Pomeroy	Waters
King (NY)	Porter	Weldon (FL)
Knollenberg	Putnam	Weldon (PA)
Kuhl (NY)	Radanovich	Weller
LaHood	Rahall	Wexler
LaTourette	Regula	Whitfield
Lewis (CA)	Rehberg	Wilson (NM)
Lewis (KY)	Reyes	Wolf
LoBiondo	Reynolds	Young (FL)
Lucas	Rogers (AL)	

ANSWERED “PRESENT”—6

Davis (KY)	Filner	Jenkins
DeGette	Hayes	Kucinich

NOT VOTING—9

Evans	Kennedy (MN)	Skelton
Fitzpatrick (PA)	Kennedy (RI)	Snyder
Gerlach	Linder	Wynn

□ 1853

Mr. CAMP, Ms. LINDA T. SÁNCHEZ of California, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. BERMAN, Mr. CLYBURN and Mrs. CAPPS changed their vote from “aye” to “no.”

Ms. VELÁZQUEZ, Ms. SOLIS, Mr. ENGLISH of Pennsylvania, Mr. TANCREDO, Ms. LEE, Mr. ISRAEL, Mr. McDERMOTT, Mr. GARRETT of New Jersey, Ms. WOOLSEY, Messrs. PRICE of North Carolina, DELAHUNT, CLEAVER, ROTHMAN, CALVERT, BRADLEY of New Hampshire, SIMPSON, CLAY, RANGEL, BARTLETT of Maryland, MEEKS of New York, Kind, BISHOP of New York, PLATTS, DENT, Ms. MOORE of Wisconsin, Mr. OBEY, Ms. HART, Ms. BALDWIN, Messrs. BEAUPREZ, SHAYS, KING of Iowa, REICHERT, HONDA, RAMSTAD, SMITH of Texas, OBERSTAR, and Miss McMORRIS changed their vote from “no” to “aye.”

Ms. FOX changed her vote from “present” to “aye.”

Mr. HAYES changed his vote from “no” to “present.”

Mr. JENKINS changed his vote from “aye” to “present.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 196, The Deal Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. CONAWAY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 295, not voting 9, as follows:

[Roll No. 197]

AYES—128

Abercrombie Allen Andrews Baca Baird Baldwin Becerra Berkley Berman Bishop (NY) Blumenauer Brown (OH) Capps Capuano Cardin Carnahan Carson Case Chandler Clay Cleaver Clyburn Conyers Cummings Davis (CA) Davis (FL) Davis (IL) DeFazio DeGette Delahunt DeLauro Dingell Doggett Duncan Emanuel Engel Eshoo Farr Fattah Filner Flake Ford Frank (MA) Gibbons

NOES—295

Ackerman Aderholt Akin Alexander Bachus Baker Barrett (SC) Barrow Bartlett (MD) Barton (TX) Bass Bean Beauprez

Burton (IN) Butterfield Buyer Calvert Camp (MI) Campbell (CA) Cannon Cantor Capito Cardoza Carter Castle Chabot Chocola Coble Cole (OK) Conaway Cooper Costa Costello Cramer Crenshaw Crowley Cubin Cuellar Culberson Davis (AL) Davis (KY) Davis (TN) Davis, Jo Ann Davis, Tom Deal (GA) DeLay Dent Diaz-Balart, L. Diaz-Balart, M. Dicks Doolittle Doyle Drake Dreier Edwards Ehlers Emerson English (PA) Etheridge Everett Feeney Ferguson Foley Forbes Fortenberry Fossella Foxx Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gilchrist Gillmor Gingrey Gohmert Gonzalez Goode Goodlatte Gordon Granger Graves Green (WI) Green, Al Green, Gene Gutknecht Hall Harris Hart Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Herseth Hinojosa Hobson Hoekstra Holden Hostettler

NOT VOTING—9
Evans Fitzpatrick (PA) Gerlach Kennedy (MN) Kennedy (RI) Linder

□ 1901

Mr. RUSH changed his vote from "aye" to "no."

Mr. DUNCAN changed his vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated against: Mr. FITZPATRICK of Pennsylvania. Mr. CHAIRMAN, on Rollcall No. 197, the Markey Amendment to HR 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. DELAURO

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 204, not voting 11, as follows:

[Roll No. 198]

AYES—217

Abercrombie Ackerman Aderholt Allen Andrews Baca Baird Baldwin Barrow Bartlett (MD) Bass Bean Beauprez Becerra Berkley Berman Berry Bishop (GA) Bishop (NY) Blumenauer Boren Boswell Boucher Bradley (NH) Bradley (NY) Brown (OH) Brown, Corrine Butterfield Camp (MI) Capps Capuano Cardin Cardoza Carnahan Carson Case Chandler Clay Cleaver Clyburn Conyers Cooper Costa Costello Crowley Cubin Cuellar Cummings Davis (AL) Davis (CA) Davis (FL) Davis (IL) Davis (KY) Davis (TN) DeFazio DeGette

Price (NC)  
Ramstad  
Rangel  
Renzi  
Reyes  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky

Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Simmons  
Slaughter  
Smith (WA)  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)

Thompson (MS)  
Tierney  
Towns  
Udall (NM)  
Van Hollen  
Velázquez  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Whitfield  
Woolsey  
Wu

NOES—204

Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Barton (TX)  
Biggart  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boustany  
Boyd  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole (OK)  
Conaway  
Cramer  
Crenshaw  
Culberson  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Feeney  
Ferguson  
Flake  
Foley  
Forbes  
Fossella  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gillmor  
Gingrey  
Gohmert

Goode  
Goodlatte  
Granger  
Graves  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Jenkins  
Johnson, Sam  
Jones (NC)  
Keller  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Matheson  
McCaul (TX)  
McCrery  
McHenry  
McHugh  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mollohan  
Moran (KS)  
Murtha  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Osborne  
Otter  
Oxley  
Pastor  
Paul

Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Poe  
Pombo  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Regula  
Rehberg  
Reichert  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Udall (CO)  
Upton  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NOT VOTING—11

Evans  
Fitzpatrick (PA)  
Gerlach  
Issa

Istook  
Kennedy (MN)  
Kennedy (RI)  
Linder

Skelton  
Snyder  
Wynn

□ 1908

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 198, the DeLauro Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 10, as follows:

[Roll No. 199]

AYES—227

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bartlett (MD)  
Bass  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Case  
Chandler  
Clay  
Cleaver  
Clyburn  
Hooley  
Conyers  
Cooper  
Costa  
Costello  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett

Price (NC)  
Ramstad  
Rangel  
Reyes  
Rogers (MI)  
Rohrabacher  
Ross  
Rothman  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sabo  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff

Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Shadegg  
Sherman  
Slaughter  
Smith (WA)  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns

Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (PA)  
Weller  
Wexler  
Wilson (NM)  
Woolsey  
Wu

NOES—195

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Barton (TX)  
Beauprez  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boustany  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Davis (KY)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Ferguson  
Foley  
Forbes  
Fossella  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly

Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Issa  
Istook  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Kaptur  
Keller  
King (NY)  
Kingston  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
LoBiondo  
Lucas  
Mack  
Manzullo  
Marchant  
McCaul (TX)  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mollohan  
Moran (KS)  
Murphy  
Murtha  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood

Osborne  
Otter  
Oxley  
Pastor  
Pearce  
Pence  
Peterson (PA)  
Pickering  
Poe  
Pombo  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Ros-Lehtinen  
Roybal-Allard  
Royce  
Ryun (KS)  
Saxton  
Schmidt  
Schwarz (MI)  
Sensenbrenner  
Sessions  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Westmoreland  
Whitfield  
Wicker  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NOT VOTING—10

Evans  
Fitzpatrick (PA)  
Gerlach  
Kennedy (MN)

Kennedy (RI)  
Linder  
Nunes  
Skelton

□ 1916

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 199, the Andrews Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. BERKLEY

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Ms. BERKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 271, not voting 14, as follows:

[Roll No. 200]

AYES—147

Abercrombie	Hastings (FL)	Owens
Ackerman	Higgins	Pallone
Andrews	Hinchev	Pascrell
Baca	Holt	Paul
Baird	Honda	Payne
Baldwin	Hookey	Pelosi
Barrow	Hoyer	Peterson (MN)
Bean	Israel	Porter
Becerra	Jackson (IL)	Rahall
Berkley	Jackson-Lee	Rangel
Berman	(TX)	Reyes
Bishop (NY)	Jefferson	Rothman
Bishop (UT)	Jindal	Roybal-Allard
Blumenauer	Johnson, E. B.	Ruppersberger
Boren	Jones (NC)	Ryan (OH)
Boyd	Jones (OH)	Salazar
Brown, Corrine	Kildee	Sanchez, Linda
Butterfield	Kilpatrick (MI)	T.
Capps	Kucinich	Sanchez, Loretta
Capuano	Langevin	Sanders
Cardoza	Lantos	Schakowsky
Carnahan	Larsen (WA)	Schiff
Carson	Larson (CT)	Schwartz (PA)
Chandler	Lee	Scott (GA)
Chocola	Lewis (GA)	Sherman
Cleaver	Lofgren, Zoe	Slaughter
Conyers	Lowey	Slaughter
Crowley	Maloney	Smith (WA)
Cummings	Markey	Solis
Davis (AL)	Matheson	Souder
Davis (CA)	Matsui	Stark
Davis (IL)	McCollum (MN)	Tanner
Davis (TN)	McDermott	Thompson (CA)
DeFazio	McGovern	Thompson (MS)
DeGette	McKeon	Foxx
DeLauro	McNulty	Franks (AZ)
Dingell	Meehan	Frelinghuysen
Doggett	Melancon	Gallegly
Emanuel	Michaud	Garrett (NJ)
Engel	Millender-	Gilchrist
Eshoo	McDonald	Gillmor
Farr	Miller, George	Gingrey
Filner	Moore (KS)	Neugebauer
Flake	Moore (WI)	Goode
Frank (MA)	Nadler	Goodlatte
Gibbons	Napolitano	Gordon
Gonzalez	Neal (MA)	
Green, Al	Oberstar	
Grijalva	Obey	
Harman	Oliver	
Hart	Ortiz	

NOES—271

Aderholt	Bachus	Barton (TX)
Akin	Baker	Bass
Alexander	Barrett (SC)	Beauprez
Allen	Bartlett (MD)	Berry

Biggart	Granger	Nussle
Bilirakis	Graves	Osborne
Bishop (GA)	Green (WI)	Otter
Blackburn	Green, Gene	Oxley
Blunt	Gutierrez	Pastor
Boehlert	Gutknecht	Pearce
Boehner	Hall	Pence
Bonilla	Harris	Peterson (PA)
Bonner	Hastings (WA)	Petri
Boozman	Hayes	Pickering
Boswell	Hayworth	Pitts
Boucher	Hefley	Platts
Boustany	Hensarling	Poe
Bradley (NH)	Herger	Pombo
Brady (PA)	Herseth	Pomeroy
Brady (TX)	Hinojosa	Price (GA)
Brown (OH)	Hobson	Price (NC)
Brown (SC)	Hoekstra	Price (OH)
Brown-Waite,	Holden	Putnam
Ginny	Hostettler	Radanovich
Burgess	Hulshof	Ramstad
Burton (IN)	Hunter	Regula
Buyer	Hyde	Rehberg
Calvert	Inglis (SC)	Reichert
Camp (MI)	Inslee	Renzi
Campbell (CA)	Issa	Reynolds
Capito	Istook	Rogers (AL)
Cardin	Jenkins	Rogers (KY)
Carter	Johnson (CT)	Rogers (MI)
Case	Johnson (IL)	Rohrabacher
Castle	Johnson, Sam	Ros-Lehtinen
Chabot	Kanjorski	Ross
Clay	Kaptur	Royce
Clyburn	Keller	Rush
Coble	Kelly	Ryan (WI)
Cole (OK)	Kind	Ryun (KS)
Conaway	King (IA)	Sabo
Cooper	King (NY)	Saxton
Costa	Kingston	Schmidt
Costello	Kirk	Schwarz (MI)
Cramer	Kline	Scott (VA)
Crenshaw	Knollenberg	Sensenbrenner
Cubin	Kolbe	Serrano
Cuellar	Kuhl (NY)	Sessions
Culberson	LaHood	Shadegg
Davis (FL)	Latham	Shaw
Davis (KY)	LaTourette	Shays
Davis, Jo Ann	Leach	Sherwood
Davis, Tom	Levin	Shimkus
Deal (GA)	Lewis (CA)	Shuster
Delahunt	Lewis (KY)	Simmons
DeLay	Lipinski	Simpson
Dent	LoBiondo	Smith (NJ)
Diaz-Balart, L.	Lucas	Smith (TX)
Diaz-Balart, M.	Lungren, Daniel	Sodrel
Dicks	E.	Spratt
Doolittle	Lynch	Stearns
Doyle	Mack	Strickland
Drake	Manzullo	Stupak
Dreier	Marchant	Sullivan
Duncan	Marshall	Sweeney
Edwards	McCarthy	Tancredo
Ehlers	McCaul (TX)	Tauscher
Emerson	McCotter	Taylor (MS)
English (PA)	McCrery	Taylor (NC)
Etheridge	McHenry	Terry
Everett	McHugh	Thomas
Fattah	McIntyre	Thornberry
Feeney	McMorris	Tiahrt
Ferguson	Meek (FL)	Tiberi
Foley	Meeks (NY)	Turner
Forbes	Mica	Upton
Ford	Miller (FL)	Visclosky
Fortenberry	Miller (MI)	Walden (OR)
Fossella	Miller (NC)	Walsh
Foxx	Miller, Gary	Wamp
Franks (AZ)	Mollohan	Weldon (FL)
Frelinghuysen	Moran (KS)	Weldon (PA)
Gallegly	Moran (VA)	Weller
Garrett (NJ)	Murphy	Westmoreland
Gilchrist	Murtha	Whitfield
Gillmor	Wick	Wicker
Gingrey	Wyrick	Wilson (NM)
Neugebauer	Wilson (SC)	Wilson (SC)
Goode	Northup	Wolf
Goodlatte	Norwood	Young (AK)
Gordon	Nunes	Young (FL)

NOT VOTING—14

Bono	Gerlach	Ney
Cannon	Kennedy (MN)	Skelton
Cantor	Kennedy (RI)	Snyder
Evans	Linder	Wynn
Fitzpatrick (PA)	McKinney	

The result of the vote was announced as above recorded.

Stated against:

Mrs. BONO. Mr. Chairman, on rollcall No. 200 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 200, the Berkley Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 255, not voting 16, as follows:

[Roll No. 201]

AYES—161

Ackerman	Garrett (NJ)	Neal (MA)
Allen	Gordon	Oberstar
Andrews	Grijalva	Obey
Baca	Gutierrez	Oliver
Baldwin	Gutknecht	Owens
Barrow	Hastings (FL)	Pallone
Bean	Higgins	Pascrell
Becerra	Hinchev	Paul
Berkley	Holt	Payne
Berman	Honda	Pelosi
Berry	Hookey	Platts
Bishop (NY)	Hoyer	Pomeroy
Blumenauer	Inslee	Price (NC)
Bradley (NH)	Israel	Ramstad
Brown (OH)	Jackson (IL)	Rangel
Brown-Waite,	Jones (OH)	Rohrabacher
Ginny	Kaptur	Rothman
Butterfield	Kelly	Roybal-Allard
Capps	Kildee	Royce
Cardin	Kilpatrick (MI)	Ruppersberger
Carnahan	Kind	Rush
Carson	Kline	Ryan (OH)
Case	LaHood	Sabo
Chandler	Langevin	Sanchez, Linda
Clay	Lantos	T.
Cleaver	Larson (CT)	Sanders
Conyers	Leach	Schakowsky
Cooper	Lee	Schiff
Crowley	Levin	Schwartz (PA)
Cummings	Lewis (GA)	Scott (GA)
Davis (CA)	LoBiondo	Scott (VA)
Davis (FL)	Lofgren, Zoe	Serrano
Davis (IL)	Lowey	Shays
DeFazio	Maloney	Simmons
DeGette	Markey	Slaughter
Delahunt	Matsui	Smith (NJ)
DeLauro	McCarthy	Smith (WA)
Doggett	McCollum (MN)	Solis
Doyle	McDermott	Stark
Ehlers	McGovern	Strickland
Emanuel	McIntyre	Stupak
Engel	McKinney	Tancredo
Eshoo	McNulty	Tanner
Etheridge	Meehan	Taylor (MS)
Farr	Meeks (NY)	Thompson (CA)
Fattah	Michaud	Tierney
Filner	Millender-	Udall (CO)
Flake	McDonald	Van Hollen
Foley	Miller (NC)	Velazquez
Ford	Miller, George	Visclosky
Fossella	Moore (WI)	Walden (OR)
Frank (MA)	Nadler	Wasserman
Frelinghuysen	Napolitano	Schultz

Waters  
Watson

Watt  
Waxman

Wexler  
Woolsey

□ 1929

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 201, the Markey amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

□ 1930

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

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I seek this time in order to enter into a colloquy with Chairman HOBSON. The colloquy is regarding the construction of mooring facilities on the Tennessee-Tombigbee Waterway in Columbus, Mississippi.

A new \$800 million steel plant, SeverCorr, is bringing over 500 jobs to Lowndes County. Given that the average wages for hourly workers will approach \$70,000 annually, each one of these jobs is likely to be transformational for the families involved.

The SeverCorr project is the largest private construction project in the United States this year. A large amount of SeverCorr's raw materials and finished product will be shipped utilizing the Tennessee-Tombigbee Waterway beginning in June 2007. The company expects to use approximately 50 or 60 additional barges each month. However, there are no mooring facilities along this portion of the Tennessee-Tombigbee.

Presently, if an operator needs to moor a barge temporarily or overnight, the operator may tie the barge to one of several trees along the bank. This situation will clearly present a significant threat to navigation safety once the steel plant begins operation. Absence of a mooring facility could also present operational challenges to the smooth and safe transport of materials and inhibit this critically important economic activity.

I understand that the bill continues a moratorium on new projects by the Corps of Engineers. However, I hope the chairman will work with me to identify ways the committee can help support the important economic development taking place in my district along the Tennessee-Tombigbee.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I appreciate the important safety and economic justifications for construction of the mooring facility in Columbus. I understand the time limitations related to the plant's opening next year.

The gentleman is correct. This bill does contain a moratorium on new starts. However, in the event new starts are taken up in conference, this project will be a priority.

Mr. WICKER. I thank the chairman.  
Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. I thank my friend for the time.

Mr. Chairman, as you know, Lake Isabella Dam in my district as of April is under a significant capacity restriction due to major concerns about the level of seepage at the base of the dam. The Army Corps of Engineers has rated Isabella Dam its top dam safety concern in the Nation. But even with that designation, the corps has informed me it would take as many as 6 years to create a permanent solution. The dam protects a half a million people as well as valuable agricultural and oil fields.

I appreciate the fact that the chairman has provided report language urging the corps to expedite the process, but I would like to discuss with the chairman what that means.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I share your concern about dam safety and expediting the process to take corrective action at Isabella Dam.

The corps requires additional studies to identify the exact nature of the problem and to begin fixing, but the time frame could be shortened both through additional funding and expedited procedures. I pledge to work with you to identify ways to provide both funding and procedural expediency and will also talk to the corps.

Mr. THOMAS. I thank the gentleman and look forward to working with him to find additional funding for this critical dam safety issue. If the corps has rated this their top dam safety concern, their behavior should reflect that in expressed concern. And I look forward to working with the chairman in conference to produce that, and I thank the gentleman for yielding.

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

The Acting CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MCHENRY) for a colloquy.

Mr. MCHENRY. Mr. Chairman, I certainly appreciate your leadership and the hard work of your staff and the work they put into making this appropriations bill possible. I certainly appreciate that.

I would like to discuss an important issue in my district as well in western North Carolina. In recent years, my district has seen literally thousands of furniture and textile industry jobs leave due to unfair trade practices. Right now we have an industry interested in moving to our area, but the location they prefer will require some landscaping, including moving roughly 2,000 feet of a small unnamed stream. This will require approval of the Army Corps of Engineers.

As you are well aware, the corps approval process can take many months and experience significant delays. In

NOES—255

Abercrombie	Gohmert	Ney
Aderholt	Gonzalez	Northup
Akin	Goode	Norwood
Alexander	Goodlatte	Nunes
Bachus	Granger	Nussle
Baker	Graves	Ortiz
Barrett (SC)	Green (WI)	Osborne
Bartlett (MD)	Green, Al	Otter
Barton (TX)	Green, Gene	Oxley
Bass	Hall	Pastor
Beauprez	Harman	Pearce
Biggart	Harris	Pence
Bilirakis	Hart	Peterson (MN)
Bishop (GA)	Hastings (WA)	Peterson (PA)
Bishop (UT)	Hayes	Petri
Blackburn	Hayworth	Pickering
Blunt	Hefley	Pitts
Boehlert	Hensarling	Poe
Boehner	Herger	Pombo
Bonilla	Herseth	Porter
Bonner	Hinojosa	Price (GA)
Bono	Hobson	Pryce (OH)
Boozman	Hoekstra	Putnam
Boren	Holden	Radanovich
Boswell	Hostettler	Rahall
Boucher	Hulshof	Regula
Boustany	Hunter	Rehberg
Boyd	Hyde	Reichert
Brady (PA)	Inglis (SC)	Renzi
Brady (TX)	Issa	Reyes
Brown (SC)	Istook	Reynolds
Burgess	Jackson-Lee	Rogers (AL)
Burton (IN)	(TX)	Rogers (KY)
Calvert	Jefferson	Rogers (MI)
Camp (MI)	Jenkins	Ros-Lehtinen
Campbell (CA)	Jindal	Ross
Cannon	Johnson (CT)	Ryan (WI)
Cantor	Johnson (IL)	Ryun (KS)
Capito	Johnson, Sam	Salazar
Capuano	Jones (NC)	Sanchez, Loretta
Cardoza	Kanjorski	Saxton
Carter	Keller	Schmidt
Castle	King (IA)	Schwarz (MI)
Chabot	King (NY)	Sensenbrenner
Chocola	Kirk	Sessions
Clyburn	Knollenberg	Shadegg
Coble	Kolbe	Shaw
Cole (OK)	Kucinich	Sherman
Conaway	Kuhl (NY)	Sherwood
Costa	Larsen (WA)	Shimkus
Costello	Latham	Shuster
Cramer	LaTourette	Simpson
Cubin	Lewis (CA)	Smith (TX)
Cuellar	Lewis (KY)	Sodrel
Culberson	Lipinski	Souder
Davis (AL)	Lucas	Spratt
Davis (KY)	Lungren, Daniel	Stearns
Davis (TN)	E.	Sullivan
Davis, Jo Ann	Lynch	Sweeney
Davis, Tom	Mack	Tauscher
Deal (GA)	Manzullo	Taylor (NC)
DeLay	Marchant	Terry
Dent	Marshall	Thomas
Diaz-Balart, L.	Matheson	Thompson (MS)
Diaz-Balart, M.	McCaul (TX)	Thornberry
Dicks	McCotter	Tiahrt
Dingell	McCreary	Tiberi
Doolittle	McHenry	Towns
Drake	McHugh	Turner
Dreier	McKeon	Udall (NM)
Duncan	McMorris	Upton
Edwards	Meek (FL)	Walsh
Emerson	Melancon	Wamp
English (PA)	Mica	Weldon (FL)
Everett	Miller (FL)	Weldon (PA)
Feeney	Miller (MI)	Weller
Ferguson	Miller, Gary	Westmoreland
Forbes	Mollohan	Whitfield
Fortenberry	Moore (KS)	Wicker
Fox	Moran (KS)	Wilson (NM)
Franks (AZ)	Moran (VA)	Wilson (SC)
Gallely	Murphy	Wolf
Gibbons	Murtha	Wu
Gilchrest	Musgrave	Young (AK)
Gillmor	Myrick	Young (FL)
Gingrey	Neugebauer	

NOT VOTING—16

Baird	Gerlach	Skelton
Brown, Corrine	Johnson, E. B.	Snyder
Buyer	Kennedy (MN)	Weiner
Crenshaw	Kennedy (RI)	Wynn
Evans	Kingston	
Fitzpatrick (PA)	Linder	

my opinion, projects that provide economic development and jobs to economically distressed areas should be expedited and take priority over other permits.

Mr. HOBSON. I am aware of this situation and will certainly encourage the corps to move this project through the permitting process in an expedited manner to ensure that time is not an obstacle for economic development.

Mr. MCHENRY. I thank the chairman and look forward to working with you and your staff as this project moves forward through the permitting process. And I appreciate your willingness to help and assist through this.

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

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

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Florida.

Mr. MACK. Mr. Chairman, I rise today to engage the esteemed chairman of the subcommittee in a colloquy concerning language and funding for the health of Florida's ecosystem.

Mr. Chairman, south Florida has experienced numerous challenging issues related to Lake Okeechobee, the quantity and quality of the water coming through the Caloosahatchee River and the Everglades. This unique ecosystem and the economy surrounding it deserve the necessary resources to ensure the continuing and lasting health of our region.

Mr. Chairman, I believe it is critical that several projects be funded to maintain the health on the region's ecosystem. The first of these projects includes the modified water project to remove the unnatural barrier of US-41. The completion of this project would restore most of the natural flow of the Everglades from Lake Okeechobee.

Second, the use of ASRs, aquifer storage and recovery systems, in the water management of the lake is a critical and innovative need that will help bridge the gap between short- and long-term goals.

Third, recent reports have raised serious concerns about the integrity of the dike surrounding Lake Okeechobee. The Federal Government must not allow the critical dike to fail.

Finally, it is imperative that the United States Senate follow the lead of the House and finally pass the WRDA legislation. WRDA has several billion dollars of these important projects. The United States Government made a commitment to restore the Everglades. This House has worked to keep our commitment, and it is time for the United States Senate to act. Thankfully, with the leadership of the gentleman from Ohio, I am sure the Energy and Water Subcommittee on Appropriations will continue to be steadfast in its support of restoring south Florida's ecosystem.

Mr. HOBSON. I thank the gentleman. I want you to know I understand these problems, having spent some time in Florida as I have grandchildren there.

We funded the waters. I think I talked to you also about the river and I want to do something about that. I pledge the support of this committee to make the necessary resources available to help with vital issues.

Mr. MACK. I thank the gentleman for those remarks and his leadership on this issue. Obviously, he understands that the issues are vital to the well-being of my home State and a place where he likes to visit. I look forward to continuing to work with him.

AMENDMENT OFFERED BY MR. TIAHRT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

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

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Kansas.

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

Mr. Chairman, my amendment is very simple. It just says we will not promulgate any regulations without considering the effect such regulations have on the competitiveness of American businesses.

Mr. Chairman, I am pleased that the President highlighted competitiveness in his State of the Union address this year. The President understands the need for helping make America more competitive. The Energy and Water Appropriations Bill, thanks to Chairman HOBSON of Ohio, fully funds the President's American Competitiveness Initiative within the Department of Energy at \$4.1 billion. Hopefully, that money will be well spent to lay the groundwork for a strong U.S. position in the future economy.

This funding will help America provide leadership in the area of science and energy research. Our teachers, engineers and scientists need resources to help them stay on the forefront of new discoveries and practical application of new technologies.

The President understands the importance of training more scientists and engineers to conduct needed research for our future economy. China currently graduates more English speaking engineers every year than we do right here in America. They are planning for the next economy.

But beyond Federal funding, the importance of science, energy and teacher

training initiatives, it is vitally important that our Federal agencies create rules in a way that do not restrict the businesses from being competitive. Federal spending, while it is important, is not the primary answer to making America more competitive. It is the private sector that creates jobs, not the government. We need to make sure that the rules and regulations are written in ways that will not harm our competitiveness.

Unnecessary burdensome regulations restrict American businesses from doing what they do best, and that is creating jobs. Other barriers beyond regulations include skyrocketing health care costs that are driven by government regulations, excess civil litigation costs that our laws allow, punitive tax policy, unenforced trade policy, a need to focus education in technical areas, and the directed research and development funds similar to what we have here in this bill.

Energy policy is another area. We must remove the barriers to lower energy costs. America currently has 103 civilian nuclear reactors that are responsible for generating 20 percent of our electrical needs. We could use more nuclear energy for our future electricity needs to reduce the demand on fossil fuels, but there are a number of obstacles in the way to these new plants from them being ordered, licensed and built.

No nuclear power plants have been built since 1978. The last one took 30 years. We have to simplify the regulations. It is important to do that in order to make America more competitive. We need to continue assisting, not hindering, commercial interests by pursuing more nuclear power plants. The more affordable we can make electricity, the more American businesses are going to benefit by having lower energy costs.

In an era when energy prices have soared, Congress needs to do everything possible to reduce the barriers in the marketplace to provide affordable energy. The more reliable and affordable sources of energy we can create in America, the more help businesses will have in creating and keeping our jobs.

Now, Mr. Chairman, I realize that the House rules view this amendment as legislating in an appropriations bill, but fighting for a strong economy is a good thing. It is good for America, and it is good for American jobs.

□ 1945

Mr. Chairman, out of respect for this process, I respectfully ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. MCHUGH). Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

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

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, we have a very commonsense amendment that would simply say that we will not be using funds in FERC to allow FERC to rule in favor of Enron against civil utilities and several companies around the country who signed contracts with Enron.

We know what happened in Enron. They were unable to provide electricity. As a result, there was a termination of contract.

We want to make sure that FERC would not issue a ruling while discussions are going on with the parties that would require these utilities and companies to pay Enron. So it is quite a simple amendment.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

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

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

Let me say this to the gentleman, I am sympathetic to the amendment, and we will probably take the amendment. I want to tell you, though, that we have some problem with what we are doing in this bill when we begin to get into this sort of regulatory adjudication process. I do not think this is the right way to go.

I understand the frustrations with Enron. I do, I think most people do, but I think we really need to let the agencies do their job. But I want you to understand we are going to take the amendment. It may need a little tinkering with as we go through the process.

Mr. Chairman, I yield back my time.

Mr. INSLEE. Mr. Chairman, we will certainly be pleased to work with the Chair if there is any tinkering necessary.

I would yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I would like to thank the chairman as well for being patient and considerate on this amendment. We know it is not perfect. We are willing to work on the issue.

I have a couple of businesses in Montana, through no fault of their own, that signed a contract with Enron. It became very apparent early that Enron was not going to be able to fulfill their responsibilities under this contract. Unfortunately, they are innocent bystanders that got included in the bankruptcy court. Ultimately, it ended up in the jurisdiction of FERC. This amendment allows an opportunity to buy them some time to come up with some kind of a mediated solution.

So I recognize it is not perfect. I want to again thank the chairman for his patience and consideration. I thank Mr. INSLEE for introducing the amendment and hope that we can pass this amendment.

Mr. INSLEE. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. LARSEN), who has done a great job on this issue for years.

Mr. LARSEN of Washington. Mr. Chairman, I wish to quickly say thank you to the chairman of the subcommittee for agreeing to accept the amendment.

There is a great amount of frustration in Washington State, all over Washington State. I represent an area that is the largest public utility district. I represent an area that has the only aluminum plant still standing because all the other aluminum plants had to go out of business because of some manipulation that took place on the market with Enron.

We just want some time, some space for the parties to work this out, and this amendment will do that, and I appreciate the chairman's willingness to let us move forward.

Mr. INSLEE. I want to thank the Chair for his accommodation of this issue. I do not want these termination clauses to yield an unjust result. This will give us time to move forward.

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

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY Mr. HEFLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

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

The Chair recognizes the gentleman from Colorado.

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

This amendment is similar to others that I have offered over the past 4 years. It would cut total spending in the bill by 1 percent, one penny on the dollar, or \$300,170,000.

Now, I do not need to go into great explanation about this because everybody knows exactly what it is, and we also know pretty much the result.

I would also like to say Mr. HOBSON's argument would be that he has already done a good deal of cutting in here, and indeed, he has, and I commend him for it. He is extremely conscientious when it comes to the spending of government money, but I would point out that we just started the appropriations process, but if we had passed the Hefley amendments that I have offered on the few bills that we have had so far we would have saved \$747,350,000. Three-quarters of \$1 billion we would have saved already.

We have just started the appropriations process. So it is not insignificant, even though it is only a penny on the dollar, and for these reasons, I offer this amendment and urge its support.

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

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

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

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

I think I said this to Mr. HEFLEY maybe last year. He follows in some great footsteps in offering this amendment, in my opinion, because part of my district used to be represented by Clarence Miller from Ohio, and Clarence Miller I think had the distinction of either 1 percent or 10 percent, Clarence, when he was here doing this. He is still alive and very active, but I reluctantly think that we have already got too many problems in this bill on trying to fund things adequately. So I would oppose this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman and join him in his objection. I have a great deal of respect for the gentleman and my great friend from Colorado, but this is a very carefully worked bill, very carefully crafted bill, and decisions have been made that are discrete on a project-by-project basis, and I do not think it is correct policy to simply then have an across-the-board cut regardless of what the amount is and would join my chairman in opposition to the amendment.

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

Mr. HEFLEY. Mr. Chairman, I understand those arguments, but if you don't have the money, we need to stop spending or at least cut down the spending. This is 1 percent. I would encourage support of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Colorado (Mr. HEFLEY).

The question was taken, and the Acting Chairman announced that the notes appeared to have it.

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

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

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman from Ohio for yielding to me.

I wanted to speak tonight, Mr. Chairman, about the Atlantic Intercoastal Waterway, which stretches 161 miles from the South Carolina border to the Florida border going through the 1st District of Georgia; and if one measures the number of miles by the coastline, it is probably five or six times that.

I live by the Intercoastal Waterway. I have a boat. My friends have boats. My constituents have boats. The water is filling in, and it is a big problem in terms of recreational boating.

My concern is that the Office of Management and Budget, the OMB, in their formula does not consider the economic impact of a recreational boater when deciding if a waterway should be dredged or not.

In Georgia, for example, the last time we had serious dredging of the Intercoastal Waterway was in 2002. We have asked for \$2.5 million for dredging for Georgia 2 years in a row, and because of the tight constraints, the committee has not been able to do that.

It has been the same way with the Senate. They are trying to work on something, too.

Senator SAXBY CHAMBLISS and Senator JOHNNY ISAKSON and I are all in agreement that this needs to be addressed, but when the Office of Management and Budget is looking at the commercial traffic ranks of the Intercoastal Waterway, they only consider the big tonnage, the commercial shipping. They do not consider the light loading, the recreational boater.

The recreational boater is the guy who goes out there, pulls his children on skis, has a camera, has a cooler, packs a bag of baloney sandwiches, has a lot of Coca-Cola, which in another part of the country he is probably carrying Pepsi, and spends a lot of money on the local economy, a significant amount of money. One marina alone told me that their receipts will be in excess of \$500,000. If the Intercoastal Waterway was closed up, then that marina will be gone. Those five to twelve jobs that they have will be gone. The money that his clients bring into the area, buying parts for their boats and related recreational equipment in skis and fishing poles and so forth, that will be gone as well.

We need to get the Office of Management and Budget to change their fund-

ing formula so that they will consider the economic impact of the recreational boater just as high or along the same line or with the same yardstick as they do commercial boaters.

I had an amendment to that effect. I have not offered the amendment because this committee has worked so closely with us on a lot of issues. I know that the staff was not exactly appreciative if we were going to try to authorize something on an appropriation bill. It was not appropriate. So I am not offering that amendment, but I know the staff has been very sympathetic to this issue, as have you, Mr. Chairman, and I just wanted to thank you, but say that, along the line, we are not going to let this issue go.

We need to have the Office of Management and Budget change their funding formula, and I intend to pursue legislation on that, and I just wanted to thank you for all the support you have given us on some of the other dredging issues and wanted to make this point, though, on the record.

Mr. HOBSON. Mr. Chairman, if I might respond, you have got the problem correct and we are sympathetic to the problem because it is an economic development tax revenue situation that they do not seem to want to recognize. We have this both in the waterways there and renourishment programs, the dredging of some of these smaller harbors as have gone through on another situation. So I am very sympathetic to this.

So far, we have not been able to get OMB to go along, but we have a new director of OMB, used to be a Member here, used to live on the Ohio River. Maybe he will understand it better than the other OMB directors we have.

Mr. KINGSTON. Mr. Chairman, well, I had an opportunity to speak to Mr. Portman a few minutes ago and just pled the case real briefly with the promise of a follow-up phone call.

I do want to thank you for all the harbor dredging that you have helped us with, Mr. VISCLOSKY has helped us with. The staff has gone above and beyond the call of duty on that. You guys have been magnificent, but we also have this intercoastal problem with the recreational boaters that is a tremendous issue in our area.

So we want to continue to work with you, and I really appreciate everything you have done.

Mr. HOBSON. We are going to do that.

#### AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:  
Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Virginia Science Museum, VA.

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

The Chair recognizes the gentleman from Arizona.

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

I call attention to this earmark today because there is so little information available about its purpose. It appears inconsistent with the program that would fund it.

The committee report lists this earmark, for the Science Museum of Virginia, in the Biological and Environmental Research program.

My amendment would prevent funding for this purpose.

I know that some museums do scientific research, but the background research on this earmark turned up very little by the way of research being done by the Science Museum of Virginia.

As an aside, I would note that the museum will soon open a traveling exhibit on candy, sponsored by the Jelly Belly Candy Company. It does not sound like much research to me.

I know that the Science Museum of Virginia was created by State law, and I have a basic understanding of the mission of the museum, and the intentions are certainly worthy.

□ 2000

The museum says it is currently raising funds to restore and remodel parts of the building; to add classrooms, meeting facilities, a library, a cafeteria, and office space; for new landscaping, new parking facilities, and exhibits.

But why are Federal funds being used for these projects? It just isn't clear to me how the museum serves a Federal function when it comes to biological and environmental research.

Again, that is the program through which we are funding this museum. I am sure that the museum is funded in part by admission fees and also by State tax funds. I would think there are also private donors who fund it. Again, what is the Federal purpose being served by funding this earmark? How should we explain this one to the taxpayers of Arizona or California or Iowa or Michigan or anywhere else outside the State of Virginia?

I am afraid that fiscal discipline and transparency is such a thing of the past that we will begin to see museum exhibits about it.

I just don't see why we are doing this, why we are funding this type of museum out of a program that is supposed to be for scientific research.

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

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

The Acting CHAIRMAN. The Chair recognizes the gentleman from Ohio for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Arizona. The Science Museum of Virginia is one of the leading science museums and education and research facilities in the country, and I do not support any provision which would seek to bar it from receiving funds.

While the gentleman's intention may have been to bar the \$250,000 earmark contained in the conference report, the language of this amendment is so broad that it would prevent the Virginia Science Museum from competing for any grants or funding streams, competitive or otherwise, included in the act.

Now, along with my colleague from Virginia (Mr. TOM DAVIS), I am one of the cochairs of the Congressional Chesapeake Bay Task Force and would like to reiterate the point that the work of the Science Museum with regard to testing and monitoring of the Potomac and Occoquan Rivers, both of which are part of the Chesapeake Bay Watershed, are vital to the continuing efforts to restore the Chesapeake Bay. As the Nation's largest and most productive estuaries, it is indeed a national priority. So, too, Mr. Chairman, is the mission of the Science Museum to engage in instruction and research in the sciences to educate children.

I would hope that the gentleman would not pursue this amendment. This is an extreme amendment that unnecessarily harms the Science Museum, and I would hope the amendment is defeated.

Mr. FLAKE. Mr. Chairman, I yield such time as he may consume to the sponsor of the earmark, Mr. SCOTT, and I would just like to ask him what kind of oversight is offered. Is there a reporting requirement? How do we know the museum is actually spending the money for scientific research rather than having the traveling exhibits from the Jelly Belly Candy Company?

Mr. SCOTT of Virginia. Mr. Chairman, as I understand, the money will be spent for research in the Chesapeake Bay. This is a national priority. And I would hope that the testing and monitoring of the Potomac and Occoquan Rivers, both of which are part of the Chesapeake Bay Watershed will continue. I mean, it is a national priority.

We spend substantial resources on the Chesapeake Bay, and this research will go a long way in helping to preserve the Chesapeake Bay.

Mr. FLAKE. Mr. Chairman, I simply think this is a great example of the problem with having so many earmarks, over 10,000 earmarks in any given year, in all appropriation bills. As the minority leader mentioned yesterday, we simply don't have the staff or the resources to police these earmarks to know if they are going for the intended purpose and for oversight.

When we try to figure out which of the hundreds of earmarks to actually bring up here, we will often try to find out about the earmark. Sometimes the

only information we have is from the press release that the Member who requested the earmark put out. The Federal agencies have nothing. Perhaps we can go to a Web site for the recipient of the earmark.

But in terms of oversight, there is virtually nothing. We are just approving \$100,000 here, \$200,000 here, \$5 million there, until it adds up to hundreds of millions of dollars with virtually no oversight; nobody to check back. Then, when we try to actually conduct proper oversight of Federal agencies, it is almost a laughing matter because we have already stipulated that they spend funds for a museum. In one case last year, it was money for a museum in the Defense appropriations bill, and there are several museums in this piece of legislation.

I would submit that we have got to get a handle on this. We have to change the process. That is why we are here today, because I have exhausted every other avenue privately. This is the only place we can actually exercise any oversight, right here, in 5 minutes, to look at this earmark and look at the millions of dollars that are spent elsewhere.

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

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

Unfortunately, Mr. DAVIS had a prior commitment and couldn't be here tonight, because we didn't know what time these were going to come up to defend this. We review these within the committee and we looked at his request, and I am here to say that he met those tests.

But as far as the oversight on these things, there are project officers within the agencies. We want to fund science research wherever we can, and there are things like inspectors general who go out and look at these projects and make sure they are done right. If people don't like them and they are not done right, then they report back, and we take appropriate action. So Mr. DAVIS got a small earmark for this.

I might say my frustration is that, earlier this evening, I tried to cut \$25 million, to keep \$25 million out of this bill that went to little grants that we have no control over, and I wasn't able to do that. The will of this House was to fund that program for \$25 million.

So I share some of the gentleman's frustrations. I don't particularly share it about this one, but I share it about a \$25 million deal out there, which is probably larger than some of the cuts you are trying to do tonight. So I am maybe more frustrated than you are at the moment.

Mr. Chairman, do I have any time left?

The Acting CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the ranking member.

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the chairman yielding and would associate myself with his re-

marks and add my voice and objection to the amendment being offered.

The fact is our committee does a great job at oversight. And as the chairman mentioned in his opening statement, we held a series of hearings dedicated to oversight. As he points out, you do have offices of inspectors general, and we do have a very competent staff, and we do exercise a great deal of care.

So I do join the chairman and appreciate his yielding.

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

Mr. FLAKE. Mr. Chairman, can I yield to the ranking minority member and ask: Has there been any hearings on this project, the Virginia Science Museum?

Mr. VISCLOSKEY. I have made my statement to the House.

Mr. FLAKE. Okay. Does anyone know? Have there been any hearings, or has this ever been authorized?

All right. Thank you.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate the opportunity to talk about the good work being done by the Virginia Science Museum at Belmont Bay in Prince William County.

The Belmont Bay Science Center accomplishes a large number of valuable services, including the long-term water quality monitoring program that promotes the environmental health of the Occoquan and Potomac Rivers. These, as we all know, flow into the Chesapeake Bay.

Specifically, this program monitors chemical and biological conditions in these rivers. While my colleague is from Arizona, I am sure he is aware of the dire environmental concerns that affect the Potomac and Chesapeake Bay, especially in terms of high levels of nitrogen stemming from sewage treatment plants and agricultural run-off. Thus, monitoring is a critical importance.

The center also serves to teach Northern Virginia residents about the Potomac and Occoquan Rivers, as well as the Chesapeake Bay, and the attending environmental issues.

As a co-chair of the Chesapeake Bay Task Force, I have joined with other concerned colleagues to work to restore health to the Bay and its tributaries. This request for the Virginia Science Museum is part and parcel of those efforts.

The Bay watershed includes Pennsylvania, Virginia, Maryland, and the District of Columbia. It is therefore an interstate—or federal—concern.

I again thank my colleague for the opportunity to advertise the virtues of the Virginia Science Museum—virtues that would have otherwise been obscured by the stark black and white print of the committee report.

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

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:  
Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Research and Environmental Center at Mystic Aquarium, CT.

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

The Chair recognizes the gentleman from Arizona.

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

This is an earmark for the Mystic Aquarium and Institute for Exploration. These are divisions of the Sea Research Foundation, which is a nonprofit institution. According to the Foundation, its mission is to inspire people everywhere to care about and protect our oceans by exploring and sharing their biological, ecological and cultural treasures.

According to its Web site, the Mystic Aquarium is a nonprofit organization whose donations and revenue from admissions go to the development and execution of educational programs, marine research, marine animal rescue and deep sea expeditions.

This is a good thing. I am sure it is a great museum. Corporate membership in the aquarium includes Foxwoods Resort Casino, American Laboratory Trading, CL&P, Coca-Cola, the Kraft Corporation, Hubbell Manufacturing, Monsanto and Pfizer, to name a few. Donations from these entities pay for some wonderful things. The aquarium is a recognized leader in aquatic animals and archeological exhibits and also a recognized leader in oceanic research.

Let me say again, Mr. Chairman, these are very good things. This is wonderful that they are doing these things. But with all the groundbreaking research and programs at the aquarium, why is it then that the taxpayer should fund \$400,000 for this research and environmental center at the Mystic Aquarium? Where is the Federal nexus?

With so many private partners and local funding sources, why do we involve ourselves? There are aquariums all over the country. If we decided that we were going to give an earmark for every one, how would we fund it? How do we pick and choose between this one and that one or this one and that one?

I would submit that we simply can't, and we shouldn't. We ought to have a process that doesn't allow individual members to say, I think I need that

money for my project in my district. When we do that, we simply get away from what we are all about here. We have a process, authorization, appropriation, oversight, and we seem to have ignored the end of each of that, the authorization and the oversight, and we just do the appropriations.

When we do that, we get ourselves in trouble. We embarrass ourselves with some of the earmarks that we do.

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

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

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

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the amendment.

I thank my friend from Arizona for saying nice things about the Mystic Aquarium. I appreciate that. It is a great aquarium. It is a nonprofit. It is an educational facility. It is a facility that has been in operation for over 20 years.

Earlier he asked the question as to whether there had been any prior authorizations. In actual fact, the activities of the aquarium have attracted funding in fiscal years 2006, 2005 and 2004.

The moneys that we are talking about here tonight are not just moneys that are going to purchase fish food and clean the tanks. The moneys that we are talking about here tonight are to develop a research and environmental education center as a part of this research center.

Most of our colleagues have heard of Dr. Bob Ballard. Dr. Bob Ballard is the foremost ocean explorer in the world today. He is collocated at the Mystic Aquarium. His institute for exploration is collocated in the facility. His name is on the application.

The question could be asked: Well, okay, we have private sponsors. We have State and local sponsors, but what should be the responsibility of the Federal Government when it comes to marine science, marine research and ocean exploration? Well, one Federal dollar in this program creates a minimum of \$10 from other sources. So one Federal dollar can be leveraged 10 to 20 times for these types of activities.

Why would the American taxpayer care about that? Well, I tell you why they care about it. Because we intimately involve young people with these activities. Two-thirds of the Nation's fourth through ninth graders are scoring below proficiency levels in science.

□ 2015

The National Science Foundation indicates students are pursuing graduate degrees in declining numbers. The activities of this aquarium and the ac-

tivities of Dr. Bob Ballard turn kids on to science. That is a good thing. That is something we should support.

I urge my colleague to withdraw his amendment.

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

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

I would simply say again there have been no hearings on this project. There will be no oversight hearings to see if the money is spent properly, and it is an earmark, so it is not authorized. So we have circumvented the process again. When we do that, when we circumvent the process and we do not have direct oversight, we diminish our ability to offer credible oversight.

Again, when we tell the Federal agencies, the Department of Defense, for example, you ought to be spending more money on body armor, they come back and tell us, hey, we cannot because you stipulated that we spend a million dollars in our defense budget for a museum in New York.

It is like that in bill after bill after bill. And those who say these earmarks do not cost any money, if it is not spent here it will be spent somewhere else, don't tell the full story. We are often earmarking accounts that we have not earmarked in the past. Those accounts are for maintenance, say the FAA to maintain runways and towers. Well, they will come back to us next year and say you earmarked our accounts for maintenance, so you have to backfill this account. So we have to appropriate more. So these do cost.

If we just got rid of these earmarks, we could lower our allocation in this committee and let us spend it on defense or give it back to the taxpayers. Let's do something else. So the notion that we heard a lot of yesterday that this will not save any money to knock out earmarks is simply wrong.

If the Appropriations Committee would say they are not going to do earmarks this year, they could lower their allocation by the total amount of earmarks. In the bill yesterday, it was about \$500 million.

This is the only forum we have to stand up for 5 minutes on some of the amendments that we choose to highlight to say this process has gone awry and we need to change it.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding me this time.

My recollection of the appropriations process is that, if an appropriation takes place, it carries with it the authority to expend those funds. So if you look at previous appropriations for this purpose, I believe that those appropriations reflect the authority to spend that money.

The issue now becomes oversight. I quite frankly think that Members of

this body who live in their districts usually have a pretty good idea of where these dollars are going. Speaking for myself, I probably am in and out of the Mystic Aquarium at least half a dozen times a year, sometimes more frequently. I am intimately involved with the activities of this facility.

Dr. Robert Ballard, who used to be located in Woods Hole, Massachusetts, came to Connecticut and came to Mystic because of the resources there so he could pursue his research. He was sponsored by the State of Connecticut and the local municipality.

People know what is going on here. People know of some of the incredible research that is taking place. People know because their kids and because the Boys Clubs and Girls Clubs are benefiting from these activities that are happening here.

And Members know. I believe when a Member submits an earmark and follows it through the process, that tells you a lot about the earmark.

I would put my name against this project any day of the week. I think that as somebody who knows my district, knows the people in my district, knows the reputation of this facility, knows of the impeccable reputation of Dr. Bob Ballard, that this is a good expenditure of taxpayer dollars, and I will stand up for it any day of the week.

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

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

At what point do we admit we are out of control with earmarks? Would it have been at 5,000 earmarks a year? 6,000? 8,000? 9,000? 10,000? We are well above that. We have grown in the past decade. I think it has been an 872 percent increase in the number of earmarks. The dollar value has increased substantially as well.

Yesterday, we had the ranking minority member concede we have no idea, and it is "grotesquely out of control" were his words. We have that concession on that side.

On this side we are saying that as well. We do not have a way to police these earmarks or to provide oversight. At what point do we say we need to sit back and go through the regular authorization appropriation process in Congress?

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

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

The subcommittee does do oversight of appropriations. There were 313 days of hearings, 161 volumes. We heard testimony from 3,000 witnesses. There are 39 reports. We spend an awful lot of time on oversight, and somehow earmarks have become the thing of the day. But I have to tell you I spend a lot of time on billions of dollars of overruns and cost allowances on administration projects such as Hanford and other things. We spend time on these.

Each of these goes through a process at the end and they are looked at and they are done.

I understand the concern about the numbers of earmarks. We have cut ours back. But my committee is divided up into subcommittees and we are out doing oversight. We are trying to rectify some of the problems. I urge a "no" vote.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Southwest Gas Corporation GEDAC heat pump Development, NV.

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

The Chair recognizes the gentleman from Arizona.

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

This earmark provides close to \$2 million in Federal funding for a publicly traded natural gas corporation to do research and development on an air conditioning system that uses natural gas instead of electricity, a so-called GEDAC.

I am not disputing the potential benefits of GEDAC technology for consumers and natural gas companies. Homeowners are demanding year-round comfort in their homes, particularly in Arizona, wanting to stay cool on hot days and keep warm on cool days at an affordable cost.

GEDAC use in the Southwestern United States has the potential to save significant electrical power and reduce water usage. The gas industry has long sought to sell more natural gas for cooling during the summer months. However, I cannot see the role of the Federal Government in sponsoring corporate research and development that would seek to give one industry a leg up over another. How can we pick winners and losers?

The Southwest Gas Corporation boasts more than a million customers, many of whom are in my State. They want more customers, as they should. This earmark seeks to subsidize natural gas technology with Federal money at the expense of other industry sectors.

According to the most recent quarterly report, Southwest Gas Corporation reported more than \$3 billion in assets and after-tax income of over \$48

million for last year. Beyond that, the defense authorization that was recently reported out of committee includes more than \$6 million for GEDAC demonstration projects.

Not only are the American taxpayers supposed to help develop the technology to expand the gas company's market share, but we are footing the bill for road testing it as well. We have to be careful, I believe, when we have earmarks for nonprofit corporations and others. I think we have to be doubly careful when we are actually funding a for-profit corporation and just handing them a check and saying do some research. How do we choose that company over another?

I happen to know the people at Southwest Gas. They are fine people and have a fine company, but why are we saying we are going to give them an earmark and not others?

Another problem here, the earmark we have chosen to highlight here is \$2 million in Federal funding. This is in Nevada. We found out only after offering the amendment there is an additional earmark for this same company. It is on another page and it simply doesn't say Southwest Gas. I think it is for another \$3 million. So there is some \$4.8 million that is being spent to subsidize a private company. I would submit that is not our role.

We get in the business of doing this, spending the taxpayers' money this way, and also picking winners and losers in the economy. It is something that we should not be doing.

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

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

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

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

I understand some of the gentleman's concerns and what he stated about what we are doing with the private sector, but I want to relate a little story about a similar earmark from a couple of years ago. I want to tell you how it worked out.

One of the sponsors of this project is not here because he is leaving the Congress and he has a dinner, so I am going to fill in for him and tell a little story about how this does work, and it is an analogy of what might be happening here, also.

Some years ago, one of the DOE people turned down a product. They did not want to pursue the technology. So we did an earmark to this company. I think we did it a couple of years. The people came to us and said we cannot get into DOE. We have great technology here. The company I think was 3M, a big company. They said we cannot get in the door. So we gave them a little earmark.

They pursued the technology and kept talking to DOE. The next thing we hear, we hear DOE saying, guess what, there is this great technology we

have just discovered. They had to go through the process we are now talking about for DOE to now look at this process. So they got into it and they said, wow, this really helps on transmission lines in the western part of the United States. We do not have to restring all of these lines. I think it increases three or four times the price and capacity of the lines. This is something that would not have happened if we had not gotten into it.

The same way here, the heat pump is something we need further development of. The one thing I would say on this, it attracts corporate dollars. Also, they cannot hide this. They have to share this since it is public dollars. Anything that they develop has to be developed with their competitors, which is good for the economy and good for all of us because we would get it and somebody cannot hold us up for it.

I understand the gentleman's concern, but I think in this case, as in the one with 3M, hopefully this will work out to be good for the taxpayers of the country.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Flake amendment.

The project that he is targeting, the gas engine driven air conditioning heat pump development program, is a multi-year partnership between the Oak Ridge National Laboratories and private industry, including, but not exclusively, Southwest Gas in my State of Nevada, to develop a rooftop heating and cooling system for residential and small commercial buildings using natural gas.

Mr. FLAKE is misinformed. The funding goes to the Oak Ridge National Research Laboratory, not to Southwest Gas. Rather than relying on electricity generated at a power plant to run heating and air conditioning, this technology would use natural gas to produce heating and air conditioning directly, saving precious energy and water, which is particularly important in the drought-stricken Southwest.

This project, in its second year, is an example of what government, working with private industry to find new and more efficient ways to generate power, can do.

I would remind the gentleman from Arizona that our Nation is in an energy crisis. We need to be funding more projects like this, not fewer. The gentleman is obviously sincere in his desire to reduce Federal spending. I wish to echo the comments of many of my colleagues who have said that they would prefer the Congress make these types of funding decisions rather than leaving it to the bureaucrats in Washington.

I urge my colleagues to oppose this amendment.

□ 2030

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

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

We are told that the only decision is to either spend it ourselves or leave it to those amorphous bureaucrats in Washington. How about leaving it to the market? That is where things like this are developed. Why are we choosing one? And I would have to dispute the characterization of this money going to Oak Ridge Laboratory.

If this money went straight to Oak Ridge Laboratory, I believe it would say that in the earmark. All we have to go on is what we have here, and that is part of this process, why it is so bad. We have not had any hearings on this subject. There is no other documentation than the committee report; and the committee report, like I said, we only found out later that there were actually two earmarks because one of them did not say the company, but the company says to Southwest Gas.

Is the gentlewoman saying that the money is not going to Southwest Gas, that none of the earmarked funds go directly to Southwest Gas?

Ms. BERKLEY. If the gentleman would yield, it is the gentlewoman's understanding that the funds you are trying to remove from this very worthy project, which is in its second year, goes to Oak Ridge.

Mr. FLAKE. Mr. Chairman, I would say to the gentlewoman that all we have to go on is the language in the committee report.

Ms. BERKLEY. Well, I didn't write that language.

Mr. FLAKE. That is part of what is wrong with this process. We have no oversight. The Federal agencies don't know what is going on. We heard this story about an earmark that worked. We always hear those when we are doing these earmarks. We never hear about the massive failures that go on as well or the massive waste that goes on.

We have no idea how, if that money had not been spent by us, by Congress or the bureaucrats, how, if companies would have been able to keep more of their tax dollars, they might have done something even better or even faster. We just don't hear that.

So it is simply a false argument to say that the font of all knowledge is here in Congress, and we can outguess the market. We can do better than that simply by saying I know my district, and I am going to put that money there. That is a good company. I like them.

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

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

I wish I got as much interest from the gentleman and other people on the massive overrun on Hanford, which is \$6 billion, and I don't hear a peep out of anybody. I go around, and I scream about it. It is \$6 billion. I heard all kinds of people are against a couple hundred million cut we did en masse. I need help in keeping that.

Those are the kinds of oversights we need, also. I have not had a massive number of people coming to me telling me of all the failures of the earmarks that he is talking about. I do get some good positives, and if we find out one that is bad we will go after them. We try to monitor them. There are project officers.

I oppose the amendment.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Center for End-of-Life Electronics, WV.

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

The Chair recognizes the gentleman from Arizona.

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

When I first saw this earmark, this is for Center for End-of-Life Electronics in West Virginia, I thought that it might have something to do with improving treatment technology for terminally ill patients. It is not.

This earmark is about the end of life for electronics, that is, computers, televisions, cell phones, et cetera. This earmark intends to help a single organization that is in the business of recovering the components of electric devices that can be recycled or that could be environmentally hazardous.

My amendment would simply prevent funding for this purpose. As with many of the earmarks I pointed out recently, there is simply no explanation or justification in the bill or the committee report. My staff, trying to find out where this earmark came from or what it is to do, had to finally look at a press release that mentions other funding secured for this organization. So I assume it is for the same purpose. We simply do not know.

Again, no hearings, no authorization, no method of oversight here. Evidently, the program has received \$3 million in the past. Now it needs another \$600,000.

I would ask the gentleman from Ohio, Mr. HOBSON, what oversight has been exercised over this program up until this point, if he knows. Public institutions and private groups in Davisville, West Virginia, have partnered and established A Center for

End-of-Life Electronics to seek solutions for electronic waste.

What Federal role does this particular center fill? How should we explain this one to the taxpayers of Missouri or Connecticut or Arizona or any other State outside of West Virginia? I welcome the justification for a Federal function in this case. But then I ask, why are we picking winners and losers throughout the earmarking process?

Again, we are choosing one organization. If this recycling operation and others like it or any organization or business wants to exceed and excel, we should let them compete freely in the marketplace. Let's keep Congress out of it.

I am sure there are many other electronics recycling operations throughout the country, but we are favoring just one of them with this earmark. I don't think that the Congress ought to be making calls like this. I am certainly not capable.

I know my district pretty well, but I don't think and I wouldn't presume to say that a center in my district is the best in the world in end-of-life electronics. That is simply a call that we shouldn't be making. Rather than seeking to salvage electronic components, Congress should be intent on salvaging the process by which we spend tax dollars.

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

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

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's yielding.

First of all, I would express my opposition to the amendment being offered by the gentleman from Arizona. We have an authorized activity and the subcommittee has earmarked this project.

I have a philosophical difference with the approach that the Member has taken, as a Member of the House of Representatives, because we are a co-equal branch of the United States Government, and the last time I looked at the budget of this country was in excess of some trillions of dollars.

The gentleman mentioned catastrophic failures. I would mention that the administration spent a great deal of money in their budget request on about 10,000 trailers in response to a great natural crisis. Those trailers are sitting out in the middle of Arkansas.

The chairman of the committee talked about Hanford. That was not an earmark, but it was requested by the administration. If this committee and all of the members of this committee did not continue as we do every day to exercise oversight and deliberate activity and judgment, they would still be spending more of the taxpayers' hard-earned moneys than is necessary.

There is under construction in the State of California, and I don't mean to single them out, but the gentleman mentioned catastrophic failures, the National Ignition Facility that some years ago was on time and under budget. It was an administration request.

We are not defunct of all wisdom. The administration is not. There is a balance to be struck; and in a budget in excess of some trillions of dollars I do believe this subcommittee, under this chairman and the Members on it, have made wise and reasoned and specific decisions.

I am adamantly opposed to the amendment offered by the gentleman.

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

Mr. Chairman, I am a little upset that there is no oversight, because we have tried to do more oversight than I think has been done in a number of years.

Let me tell you how these things work in DOE.

Each project is assigned a project manager who is responsible to work it out in a contract and the scope of the project and results. I am informed that this particular account also must have matching funds for a project to be awarded or to be made. So there is some oversight for the people who are putting the money into it, too.

These projects must be executed according to accounting standards, as in all DOE government awards. These projects are well-known by their sponsors. If we hear of a problem or one of the DOE people comes back to us who is in charge of the project and says this is out of whack, it is not being done right, then we try to take corrective action, too.

The assertion that there is no oversight is not correct. In the past, I think there was less oversight than there is today. But I think we have attempted to justify that. We have reorganized our committee in such a way that we are doing more oversight. We will continue to do so.

I think the gentleman may have encouraged us to do some more oversight as a result of some of these things, and hopefully that will prove out to be good. I would urge a "no" vote on this amendment.

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

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

Let's get back to this specific earmark. I would like to know, like I said, all we know is what we gleaned from the press release, because there is no other information available at all. But the press release indicated that there was just the latest tranch of funding that had already gone to this project.

Would the ranking minority member happen to know if any oversight has been conducted on funds that have already been provided to this project?

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

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

Mr. VISCLOSKY. Mr. Chairman, I would be happy to respond with a question of my own, because the gentleman is very fixated on the lack of oversight on the subcommittee, which I take umbrage at.

But I would also suggest that in an earlier remark you made on the floor that almost 70 percent of the spending of the Federal Government today, and I share the gentleman's concern making sure we have fiscal responsibility.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I take it I am not going to get an answer to this. All we know is from a press release, and we know that this is simply the latest tranch in other funding that has been provided.

What I hear, and I guess the author is not here of the amendment or, I am sorry, the author of the earmark, the sponsor of the earmark, that no oversight has been conducted.

Do we feel comfortable going ahead and appropriating more when no oversight has been conducted at all on what has already been expended?

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

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

Mr. VISCLOSKY. Would the gentleman answer a question?

Mr. FLAKE. Yes.

Mr. VISCLOSKY. Are you concerned about earmarks that take place in other mandatory legislation and the fact whether or not there is specific oversight on an annual basis or, say, tax provisions in this country?

Mr. FLAKE. I am very concerned about the lack of oversight on an annual basis for, say, tax provisions in this country.

Mr. VISCLOSKY. That is where 77 percent of the spending has taken place.

Mr. FLAKE. Ninety-six percent of the earmarks that we passed last year were in conference reports that were just spending construction to the agencies. The agencies have very little knowledge that the funding is even there, yes.

The problem is, if you want little oversight on your earmark, if you want it to continue without scrutiny, it pays to be vague about your earmark, vague about its goals, vague about any benchmarks that there might be. Because as soon as you spell it out and leave a paper trail, you are subject to an amendment. If you don't, it might be ruled out of order.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Missouri Forest Foundation.

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

The Chair recognizes the gentleman from Arizona.

□ 2045

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

Mr. Chairman, this is \$750,000 for the Missouri Forest Foundation. This foundation has been funded for at least 3 years, and is funded through the Energy Efficiency and Renewable Energy Program earmark section of the bill. The section of the bill includes more than \$50 million in congressionally directed research earmarks. According to CRS, earmarks in the appropriations for the Renewable Energy program have tripled in the past 3 years.

According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals. Let me say that again: According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals.

It was these kinds of earmarks in the fiscal year 2006 appropriations that the National Renewable Energy Laboratory said caused a \$28 million shortfall and forced them to lay off 32 positions. While these positions were ultimately restored, this shows the downside of earmarks and how they can wreak havoc on the administrative agencies.

The Missouri Forest Foundation, an education and research foundation of the forest industry, supports the research and implementation of a program that would utilize wood biomass to produce energy. The task force mission is to develop a program where wood products from Missouri are fully utilized, solving forest health problems and current energy issues.

Bioenergy ranks second to hydropower in renewable U.S. primary energy production and accounts for 3 percent of the primary energy production in the United States. While I support a diverse energy sector, I cannot see the benefit of earmarking a program to the point of ineffectiveness.

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

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

The Acting CHAIRMAN (Mr. McHUGH). The gentleman from Ohio is recognized for 5 minutes.

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

just to make one point: In this bill this year, there can be no complaint that we are impeding upon the imperial Presidency's funding levels, because somehow if the President's people fund it, it makes it okay. I don't agree with that. We put headroom in the bill this year that they cannot make that claim anymore.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Missouri (Mrs. EMERSON).

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control 4 minutes.

There was no objection.

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

Mr. Chairman, allow me to stand up for this provision in which my friend Mr. HOBSON and our subcommittee and staff have worked so hard to assemble.

We talk big about energy independence, Mr. Chairman, but here we are discussing Mr. FLAKE's amendment today because some of us talk the talk but we don't walk the walk. The Missouri Forest Foundation would get \$750,000 from a \$30 billion budget to help solve the crisis of our time, American reliance on foreign oil.

I believe that most of our colleagues would agree that this investment would pay off by finding a viable source of cellulosic ethanol in wood waste from mostly unmanageable parts of our forests.

As a source of green energy, cellulosic ethanol is limited only by our ability to harvest small trees from overgrown, unmanaged forests and generate cellulosic ethanol on a profitable scale. This project would remove many of those barriers to our energy market, and in the meantime, we will add value to our forests, 14 million acres of them in Missouri alone, and will create another value-added product to help our rural economist.

We talk a lot and we have been talking a lot lately in this body about the future of alternative fuels. This project is how we also walk the walk, and I believe it is unconscionable to turn our backs on any project to put something besides oil in the tanks of American cars and trucks, especially when it is one that is as promising as this.

Yet there is also, Mr. Chairman, a larger issue at work here: Who do you trust with these tax dollars? Some Members put their trust in the Office of Management and Budget to choose what is best for their districts, and some Members, well, they choose to put their trust in their districts back home. I trust my district, and I trust the men and women behind this project. Together we worked on this proposal. It was my idea, and we brought it to the Congress.

So now, at this point, Congress can say yes or no. But as others have said before me, I am standing up for my district, and I say it is worthwhile and we should invest in it.

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

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

Mr. Chairman, before yielding 1 minute to the gentleman from Texas, let me just say that we are again faced with a false choice here. The notion is, should we spend it, or should the administration spend it? Perhaps it shouldn't be spent at all.

I would submit, if we are spending \$700,000 or so for the end-of-life electronics project in West Virginia, we are spending too much money, the government is as a whole, whether it is us or whether it is the administration.

So the choice isn't, should we spend it or should they? Maybe we should just have a smaller budget.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

I will be the first to admit that I know little or nothing about this particular earmark, but here is what I do know: We need to step back and focus on the larger picture of where we are as a nation. In just a handful of years, the national debt has gone from \$5.5 trillion to \$8 trillion. Now, some will tell us it is because the American people are undertaxed. We happen to be awash in tax revenues. They were up 14 percent last year.

I think the problem that we have is we have a spending problem. We look at the long-term trends in Social Security, Medicare and Medicaid, we simply cannot keep with the pace in spending. We have 10,000 Federal programs spread across 600 agencies. How much government is enough?

This may be a great earmark. I don't know. It could be the greatest earmark known to mankind. But when do we finally say, enough is enough? It reminds me of what President Reagan once said, "the closest thing to eternal life on Earth is a Federal program," and every earmark can give birth to a Federal program.

We are spending \$22,000 per American family. When do we stop?

Mr. Chairman, I think the challenge we have is, if we say yes to everybody's project today, we end up saying no to our children's future tomorrow. So when we are a nation that has this type of debt, when we have the recent announcement that Social Security is going to go broke a year earlier than thought, Medicare 2 years earlier, when do we stop and say, enough is enough? When do we say no to somebody's project today so we can say yes to our children tomorrow?

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

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

Mr. Chairman, again, I thank the gentleman from Texas for his comments. It couldn't be more true. At what point, where do we say, let's stop? We have grown earmarks in the past decade 872 percent. When is it enough? Do we earmark every account in the

Federal Government? Do we look at those agencies and say, we know better than you do?

What about the maintenance accounts that they have? What about other things that they come back to us the next year and say, you shorted us? You earmarked this account. Now we still have to maintain this runway or this tower or perform this maintenance, and then we have to up the funding again.

I will say again, my colleague in the Senate described earmarks as "the gateway drug to spending addiction." Once we start with earmarks, we just can't stop spending in other areas.

I would submit that if you look at the Federal budget growth over the past several years, a lot of it is due to earmarks, simply because you get earmarks and they leverage higher spending everywhere else.

You look at how few votes there are against these appropriation bills in the end when you know more people are opposed to much more in the provisions. It is because they have earmarks, and they have to support it.

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

The gentlewoman from Missouri has 2½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentlewoman for yielding.

Again, we are here debating these things and whether some of these things ought to be funded at all. There are programs that are not requested in the President's budget which some of us feel are appropriate. Some of them would be things like money to reimburse States for criminal costs associated with illegal immigration. The President hasn't requested that in his budget, but many of us feel it is appropriate that it ought to be put in there. I believe even the gentleman from Arizona believes that that is an appropriate thing.

Now, of course, if we would put that in there, that would be an earmark, because it would be Congress directing the spending rather than the administration making that request.

Earlier the gentleman mentioned the NREL laboratory and the fact that they had to lay off something like 32 people. What wasn't said is that this committee gave them unlimited reprogramming authority, that if that was going to happen, they could have reprogrammed the money. But they didn't do that. They chose not to use it. They chose to lay the people off. And then, magically, when the President was going to come out there for a press conference, guess what? They found the money to rehire those individuals. At the same time, the Secretary goes to, I believe it was Australia, and announces a new program down there without any funding authority whatsoever.

So to suggest that things done by the administration are appropriate but

things done by Congress are inappropriate and, as the gentleman and I have talked many times, the fact is you are not going to reduce spending by eliminating these things. You are going to do it by getting a budget resolution which is lower so that that money isn't available.

But I guarantee you if you cut out this money, or any of these other earmarked projects, the money is going to be spent on something else. That is the reality, and that is what we have to address.

Mrs. EMERSON. Mr. Chairman, I yield one-half minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentlewoman yielding. I certainly associate myself with her remarks and am opposed to the amendment.

I would respond to an earlier remark made by the gentleman from Texas when he complained about the deficits. There are two sides to balancing the budget. There is the expenditure side, and I do think the debate taking place here is very healthy. I would hope that the gentleman would also have the same debate initiated as far as the 70 percent of the spending taking place. And that is mandatory spending. And those tax provisions, once they are a precedent to the Tax Code, inure to the benefit, the last time I look, of people that pay taxes, which are not units of the government, but private citizens and private corporations.

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

Mr. Chairman, I think everybody in Congress understands our need to get away from the addiction we have to oil, and anything we can do to develop alternative sources of energy is critical to our national and our economic security.

I want to say, too, the appropriations process is local control at its highest level, and we have to keep this authority within the Congress and not abdicate our responsibility to represent our own districts.

I urge a "no" vote on the Flake amendment.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Juniata Ultra Low Emission Locomotive Demonstration, PA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the

gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, this will be my final amendment, at the risk of hearing cheers from the gentleman from Idaho.

Mr. Chairman, this is \$1 million for the Juniata locomotive shop. I believe that it goes to a locomotive shop owned by Norfolk Southern. I can't know for sure, because there is no description of the earmark anywhere in the bill.

Let me read a quote from Norfolk Southern Chairman David Goode in 2005: "Thinking back to the beginning of my rail career in the late 1960s and early 1970s, rail systems were failing badly. There were strongly held beliefs that we were headed for a failed and nationalized system. In that context, you began to realize the strength of an industry that rebuilt itself, albeit with a lot of government policy help, although essentially no government money."

But now it seems that we are giving them money as well.

Again, here is a situation where we know so little about this earmark, and this seems to be the only forum where we can find out about it. When we come and debate it on the floor, we might get a little window into the process and see what this is about: Has this been authorized? What is the process of oversight? That is what we are here for.

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

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

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

Mr. HOBSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise today in strong opposition to my colleague's amendment, which seeks to eliminate an important research and development program that would take place in the Juniata locomotive shop, which is in Altoona, Pennsylvania. Yes, that is my district. I am proud to stand up and take claim for this earmark.

□ 2100

But I am also proud to stand up and say this has been authorized. This has gone through the authorization program, and it has gone through the appropriations committees.

In the 2005 Energy Bill that we passed, the Diesel Emission Reduction Act of 2005, we are pushing, we are prodding, we are forcing our companies in this country to reduce emissions. And when we are encouraging and when we are prodding and forcing people to do that, companies to do that, I think that we have an obligation to assist in getting those things developed

and doing the public and private assistance that comes together to reduce emissions, especially in our aging diesel fleet in the rail industry.

In 2006, the rail industry will embark on a new program to produce cleaner locomotives that utilize conventional truck engines to charge large stacks of batteries that power locomotives. In this account also there is a 50/50 match on this legislation. But what this earmark does, it is a 90/10. Norfolk Southern is providing 90 percent of the funding to do this important research and develop this initiative, and the taxpayers are putting in 10 percent.

This new hybrid locomotive will reduce harmful emissions, increase fuel efficiency and take locomotive research and development in a new direction.

The freight rail industry consumed over 4 billion gallons of diesel fuel in 2005 and freight rail traffic has grown at unprecedented levels in the past 3 years. Finding new technologies to save fuel in the movement of freight will benefit everybody.

Additionally, it is important to note that any technology gains from this project and research development will be open to the public. So this a 10 percent investment by the public, and everybody will benefit. General Electric will benefit. The other rail companies will benefit by this research and development.

Further, Mr. Chairman, this is about more than just reducing energy use. It is about improving our environment.

I prefer working cooperatively with the private sector to reduce harmful emissions of nitrous oxide, hydrocarbons, and particulate matter. This program seeks to accomplish this as well.

Last year, America's freight rail industry spent nearly \$1 billion on new locomotive purchases. This money helped buy newer, more fuel efficient equipment.

While the newer locomotives are 40 percent more fuel efficient than just a decade ago, we need to take the next step in moving emissions reductions to extremely low levels, something we cannot accomplish with conventional locomotive engines.

This program will encourage industry to work on a prototype hybrid ultra-low emissions locomotive that will reduce nitrous oxide emissions by 80 to 90 percent, which is the primary component of smog, reduce diesel fuel consumption by 40 percent and lower particulate matter by 80 percent.

In a time when increasing fuel efficiency and reducing dependence on foreign sources of energy are vital to ensuring our Nation's energy independence, we should be encouraging public-private partnerships that seek to further these goals.

We need to build on our Nation's advantages, one of which is the best freight rail system in the world, which helps us compete globally. By making this mode even more fuel efficient, it

will be reducing costs of transportation to our Nation's consumers and making the air we breath even cleaner.

Mr. Chairman, I would encourage my colleague from Arizona to withdraw the amendment, but, if not, I hope my colleagues will support me and vote down this amendment. This initiative, if enacted, it will, by 2008, will have hybrid locomotives as well as hybrid cars moving us into the future.

Mr. HOBSON. Mr. Chairman, might I ask how much time is remaining?

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio (Mr. HOBSON) has 1 minute remaining.

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

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

Mr. Chairman, let me just make the point that why would we assist only the locomotive sector? What about construction vehicles, highway vehicles? Again, we are picking and choosing, just based on our decisions. We are not the font of all knowledge.

And if we decide that we are just going to direct every bit of spending and that we are not going to have oversight because we have directed it and therefore we need no oversight, and all we have in terms of oversight is this 5 minutes that we have really never exercised before to question an earmark when it comes to the House floor, Mr. Chairman, I would submit that we have a broken process here. It is simply wrong. We cannot be doing this.

Again, let me just simply say, when do we concede that we are out of control? It was 5,000. We are up to over 10,000 earmarks a year. When it is too much?

In 1987, President Reagan vetoed the highway bill because there were 152 earmarks. The last highway bill we passed last year had over 6,000. Other bills have had similar increases in earmarks. And yet we say it is not enough.

If we know our own districts and we know how to direct spending, then why not direct it all? Why not earmark every account?

Again, we have demonstrated again and again, some of the authors of these amendments have not even shown up to defend them. We do not even know if there is any oversight for previous earmarks or for the ones that are here now. Yet we just blindly just say, all right, if a Member wants it, let's approve it.

I would simply submit that we have got to stop that. We have got to stop that. We are out of control. We have a fiscal train wreck coming up when it comes to entitlement spending and discretionary spending.

And this notion again that cutting those earmarks is not going to save money because it will simply be spent by the government agency is simply not true. All the committee had to do was the 302 allocations, and then they can simply say let's designate that for war funding. We know we are going to

spend that money. You can reallocate before you report the bill out of committee.

So this notion that, okay, we are here, we might as well spend it or the administration will, that is simply a false choice. We are here as legislators. Again, as I said yesterday, we are not potted plants. I think taxpayers expect us to make hard choices, and we are not making them.

We are basically saying, if you can justify a project in your district, if you think it is a good idea, then we ought to fund it, by golly, and there ought to be very little oversight, because you know what is best for your district.

That is not the best way to go. We are not the font of all knowledge. We cannot outguess the market. We try and try and we will come up with an example of where this earmark led to this discovery or that, and we ignore that when we take money from the taxpayers and spend it on a teapot museum or on the Punxsutawney Weather Museum in Pennsylvania or on the Rock and Roll Hall of Fame or on the Baseball Hall of Fame, then we are taking money we should not take from the taxpayers at all.

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

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, going to the Rock and Roll Hall of Fame, it is a beautiful place.

Mr. Chairman, I did not request this earmark; Mr. SHUSTER did. I think he has adequately defended it. I would rise, as the chairman of the Railroad Subcommittee, to tell the gentleman, in 2004, the EPA identified 495 counties across America, maybe some in your district, that are not in attainment.

The purpose of this program, as Mr. SHUSTER laid out, is to reduce emissions and increase fuel efficiency; And he went through what it is going to flock out of the air. I would tell the gentleman, because I listened carefully to his discussion of the previous appropriations bill and this one, this is authorized. We did it in the Energy Act, \$200 million a year for the next 5 years, \$49 million is provided for these programs in the President's budget this year.

I know the gentleman is busy. But if he ever has a free moment and you want to come to the Railroad Subcommittee, we did in fact conduct oversight hearings on programs like this, talking about the new technologies, talking about the public-private partnerships that are going to get us into the next century.

Mr. Chairman, I will tell the gentleman, because of programs like this we are now able to move a ton of cargo from New York to Boston on one gallon of diesel fuel; and thanks to Mr. SHUSTER's innovations and foresight in earmarking this program, we are going to do it without polluting the air.

So I hope the gentleman reconsiders this amendment. It is authorized, and we have had oversight.

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

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

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

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

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

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the reason I am standing here is to engage the chairman of the Energy and Water Development Appropriations Subcommittee in a colloquy.

First of all, I want to just take a second to commend Chairman HOBSON and the ranking member and the Appropriations Subcommittee staff for their outstanding work in the difficulty in bringing some of these measures before the floor, for their hard work.

Mr. Chairman, my Florida district includes the coastline along Flagler County, which has been dramatically devastated by recent hurricanes and damaging storms. The beach has steadily eroded; and sections of our historic and scenic national highway A1A have been washed away by the storms. Because some of the road has fallen into the Atlantic Ocean, the Florida Department of Transportation has installed a temporary seawall in those areas.

Initially, we had some problems in reaching a local consensus on the best way to restore the beach and secure this scenic and coastal highway. However, with hurricane season approaching, if this vital highway falls, our only emergency route in this area could be lost.

Earlier this month, I brought together our local leaders and decision-makers to discuss the problem and identify solutions. A consensus has been reached that we must complete a feasibility study and cooperate with the Corps of Engineers so the critical restoration work can be expedited. State and local officials will also be working together with Federal officials to explore cost-effective alternative restoration technologies.

I would like to, finally, ask the chairman if he would continue to work with me on this very important project for my district and also in conference to provide the critical resources to protect and restore the coastal areas and devastated beaches in Flagler County, Florida.

Mr. HOBSON. I have seen the pictures that you have given me, and I certainly understand the problem there in Florida. We will try to work with you every way we can. Because I have

seen it. It has fallen in, and it has got to be fixed.

Mr. MICA. Mr. Chairman, I thank the gentleman and the subcommittee.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, first, I would like to take this opportunity to praise Chairman HOBSON and the ranking member, Mr. VISCLOSKY, for putting together this well-balanced bill. I applaud the chairman for his efforts in bringing this measure to the floor.

I rise, though, to ask a question of you, Mr. Chairman, because I am concerned with the provision added to the bill during the committee markup. The bill as currently written provides \$10 million for the Department of Energy's Clean Cities Program. This program is devoted to the advancement and usage of alternative fuels.

In my home State of New Hampshire, the Granite State Clean Cities Coalition has done wonderful things, including the construction of a biodiesel filling station for off-road vehicles, support for the development of 10 public on-road biodiesel fueling stations, and the creation of natural gas refueling stations for the University of New Hampshire's bus fleet.

At a time when gasoline is well above \$3 a gallon, I believe now more than ever we need to support programs that promote the use of alternative fuels and vehicles. However, during the committee markup, a provision was added that would set aside \$8 million of the Clean Cities \$10 million for E-85 ethanol infrastructure.

While I fully support the development of new E-85 stations, however, the Clean Cities Program has always been fuel neutral, awarding funds through a competitive process based on the merit of each project. I fear that allocating 80 percent of the program's funds for only one type of alternative fuel alters the competitive intent of that program.

Mr. Chairman, I would respectfully ask to be able to work with you during the committee of conference to try and rectify this issue. I thank you for yielding.

Mr. HOBSON. We will work with you. But I want you to understand that this was part of an amendment we accepted because we do want to encourage more E-85 use, and we were getting some complaints that there was not enough money out there.

But I understand what it has done to this program. In conference we will try to work to see if we can get some more money on the program.

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

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOBSON. I would like to yield back on that and strike the last word if I might.

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

Mr. HOBSON. Let me take just a moment to say that this has been a very spirited debate out here this evening. But I think at the end of the day we have got a good bill. I would encourage support for the committee's positions.

Mr. Chairman, I think we have cut back the number of earmarks this year in an amount of over \$200 million. We have stayed within our 302(b) amount, and we have tried to take on the administration where we think appropriate, because I do not think everything they do is correct.

□ 2115

On the other hand, I do not think everything we do is correct, and we try to take that on where we can.

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

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

Mr. VISCLOSKY. I appreciate the chairman yielding, and I appreciate your leadership on this bill.

This is a finely crafted piece of legislation and, again, I congratulate the Chair and all the members of the committee and the staff, and I would encourage the membership to strongly support this legislation. It has been a pleasure to work with the gentleman from Ohio.

Mr. HOBSON. Thank you. I appreciate working with you, too, sir.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE of Georgia) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

#### RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. BUYER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5037) to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.