

**Statement of Senator Daniel K. Inouye (D-Hawaii)
Against the Johanns Amendment to the FDA Bill
November 29, 2010 (as prepared for delivery)**

Mr. President, the amendment offered today by Senator Johanns proposes to rescind unobligated balances of appropriated funds that are designated for specific purposes in various appropriations bills previously enacted by Congress. The Senator offers these rescissions in order to offset the loss of revenues resulting from his amendment.

Much like similar amendments offered in the past, this amendment simply provides for a generic rescission of funds, with the authority and decision-making for which programs are impacted delegated entirely to the Executive Branch. Consideration of this amendment is the first of two attempts this evening to shift the power of and responsibility for the nation's purse strings from the legislative branch to the executive branch. Rescinding funds in this manner, should this amendment be adopted, may be politically expedient because it simply cites a dollar figure, but it is also reckless and irresponsible, and hides the accountability for future actions when legitimate programs are shut down.

Mr. President, we should make no mistake about it, an across the board cut is the legislative equivalent of performing surgery with a meat cleaver, and Senators would be right to reject the amendment for this reason alone.

I can assure my colleagues that if this amendment passes, the impact will be felt throughout this country, and the arbitrary nature of the cuts will only intensify the pain. Why do I know this? Because for the past several months Senator Cochran and I have instructed our staffs to scrub the books of every single Federal agency in order to fund Pell grants while at the same time maintaining the discretionary spending level for fiscal year 2011 proposed by Senators Sessions and McCaskill.

Even after reviewing in great detail unobligated balances across all the agencies and rescinding those funds that were truly unobligated balances, we still have to cut spending for fiscal year 2011 in order to pay for Pell grants to the level at which almost everyone in this Chamber desires that it be funded. Consequently, the only unobligated balances remaining are those in accounts that have slow spend rates, such as construction and infrastructure accounts. To rescind \$39 billion from these remaining accounts without Congressional guidance and without any analysis of the ultimate costs and benefits, is simply irresponsible.

Throughout this past year, every time an amendment similar to this one has been offered, I and my colleagues on the Appropriations Committee have come to the floor and provided real examples of real programs that would be impacted by such an amendment. While I will not go into such detail tonight, I will take a moment and give Members a sense of which agency accounts have unobligated balances:

- International Narcotics control and Law Enforcement programs that provide police training and counter-drug programs in Afghanistan, Pakistan, Mexico and Colombia, among others.

- Global Health and Child Survival, which impacts global HIV/AIDS, malaria, TB, polio and other programs.
- The State Department's worldwide security program, including funding for requirements in Iraq, again impacting our Embassy and personnel security costs worldwide.
- Coast Guard construction of ships and planes, including the National Security Cutter, the Maritime Patrol Aircraft, and Fast Response Cutters.
- Funds to maintain and upgrade the Southwest Border fence in Arizona and California.
- The FEMA Disaster Relief Fund which is still paying for Katrina, Rita, Gustav and Ike.
- Cyber Security investments to secure Federal information systems.
- Funds to procure and install TSA Advanced Imaging Technology and other Explosive Detection Systems.
- Funds to build Border Patrol Stations in Texas, Arizona, California and Washington.
- Funds to build schools and hospitals under the Bureau of Indian Affairs and Indian Health Services.
- The \$500 million in non-emergency unobligated fire suppression funds remaining in the Forest Service and Interior wildland fire accounts is the minimum needed to make sure there are enough funds available in case the fire season turns out to be worse than forecast.
- Section 8 tenant-based and Section 8 project-based rental assistance. Programs receive advanced appropriations to run through the end of the calendar year. If these funds were rescinded, there would be no funding to continue to provide housing for low-income families living in housing today.
- In the case of Homeless Assistance Grants, there is a time-consuming competitive process that communities go through in order to get these funds. Accordingly, these programs have unobligated funds. If these funds were rescinded, existing homeless programs in communities across the country wouldn't have sufficient funds to continue serving the homeless - literally leaving people on the streets.
- And finally, as one would imagine, Corp of Engineers construction projects as well as funding for flood control and coastal emergencies have substantial unobligated balances.

Supporters of the Johanns amendment may claim that I and my colleagues on the Appropriations Committee are simply citing the worst case scenario of where unobligated balances may come from. The fact of the matter is that these accounts are exactly where the unobligated balances will come from.

Let me also point out to my colleagues that if this amendment is enacted, we cannot stop rescissions of unobligated balances from any of the accounts mentioned because the amendment gives sole decision-making power regarding where to cut to the Executive branch. Unlike the situation with deciding how to fund the FY 2011 Ominibus, where Ranking Member Cochran and I along with our Committee members decided after much scrutiny of accounts which unobligated balances were truly available for rescission, this amendment places all authority with the Executive branch.

Mr. President, this amendment is not the way to do business. This is certainly not the way to fund the Federal government. We need to stop trying to shift our fiscal responsibilities to the Executive branch. We need to stop claiming there is an excess in federal funds where none

exists. And if we want to cut funds and hamper those critical programs, then we need to stop hiding behind generic rescissions. For all of these reasons, I urge my colleagues to vote against the Johanns amendment.